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Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

By virtue of the authority vested in the United States Civil Service Commission by Executive Order No. 9063 dated February 16, 1942, Executive Order No. 9243 dated September 12, 1942, Directive No. X, War Manpower Commission, dated September 14, 1942, Executive Order No. 9378 dated September 23, 1943, and pursuant to the provisions of the Veterans' Preference Act of 1944 (Pub. Law 359, 78th Congress), the following revision of the regulations is hereby prescribed.

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18.1 Examinations.
18.2 Qualifications of applicants.
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18.4 Recruitment and placement.
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18.6 Promotion.
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18.12 Stabilization of employment.
18.13 Restoration of persons having reemployment rights.
18.14 War reemployment list.

AUTHORITY: §§ 18.1 to 18.14, inclusive, issued under E.O. No. 9063, Feb. 16, 1942, 7 F.R. 1075, E.O. 9243, Sept. 12, 1942, 7 F.R. 7213, E.O. 9378, Sept. 23, 1943, 8 F.R. 13037, Directive X, War Manpower Commission, Sept. 14, 1942, 7 F.R. 7298, 11050, 9 F.R. 3534; Veterans' Preference Act of 1944.

§ 18.1 *Examinations.* (a) Examinations for original appointment will be competitive except that when sufficient competent persons do not compete, noncompetitive examinations may be authorized. Examinations for promotion, reassignment, transfer and reappointment may be noncompetitive.

(b) *Competitive examinations.* Competitive examinations for original appointment will be held at such times and places and in such manner as the needs of the service require. Applicants granted ten-point preference under these regulations may file application at any time for any position they may specify for which there is an existing list or a list about to be established or to which any appointment has been made within the preceding three years. Applicants granted five-point preference under these regulations may file application at any time within six months after their discharge from the armed forces for examinations for which there are existing lists or for which lists are about to be established. Examinations reopened for preference applicants will be scheduled as the needs of the service require, but in any case not less than once each month.

(c) *Examinations restricted to preference applicants.* In examinations for the positions of guards, elevator operators, messengers, custodians, and such other positions as the President may designate, competition shall be restricted to persons granted five- or ten-point preference under these regulations as long as such persons are available.

NOTE: This section supersedes Civil Service Rule III, 5 CFR, Part 3, with respect to positions covered by these regulations.

§ 18.2 *Qualifications of applicants—*(a) *Citizenship.* No person shall be admitted to a competitive examination unless he is a citizen of or owes allegiance to the United States. A noncitizen may be appointed through noncompetitive examination provided no citizen eligible is available and that the department or agency desiring his services has specific authority to employ noncitizens.

(b) *Form of application.* Application for examination must be made in such form and manner and accompanied by such certificates as the Commission may prescribe.

(c) *Disqualifications.* An applicant may be denied examination and an eligible may be denied appointment for any of the following reasons: (1) Dismissal

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per unit. The following are now available:

Book 1: Titles 1–3 (Presidential documents) with tables and index.
Book 2: Titles 4–9, with index.
Book 3: Titles 10–17, with index.
Book 4: Titles 18–25, with index.
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from the service for delinquency or misconduct; (2) physical or mental unfitness for the position for which he applies: *Provided*, That, in the case of any person granted five- or ten-point preference under these regulations who is, in the opinion of the Commission, physically able to discharge efficiently the duties of the position for which examined or to which appointment is proposed, the Commission shall waive the physical requirements, after giving due consideration to the recommendation of any accredited physician, and the age, height, and weight requirements; (3) criminal, infamour, dishonest, immoral, or notoriously disgraceful conduct; (4) intentional false statements as to any material fact, or deception or fraud in securing examination or appointment; (5) refusal to furnish testimony as required by Part 14 of this chapter; (6) habitual use of intoxicating beverages to excess; (7) a reasonable doubt as to his loyalty to the Government of the United States; (8) any legal disqualification for appointment.

Any of the reasons stated in the foregoing subparagraphs from (2) through (8) inclusive, shall also be sufficient cause for removal from the service.

(d) *Age limits.* There will be no maximum age limits except where the appointing officer establishes to the satisfaction of the Commission that the interests of sound administration require such limits for a particular position.

A person retired under the age or optional provision of the Civil Service Retirement Act may be reemployed only in the event the appointing authority determines that he is possessed of special qualifications.

(e) *Education.* No minimum educational requirement will be prescribed in any examination except for such scientific, technical or professional positions the duties of which the Commission decides cannot be performed by a person who does not have such education.

NOTE: This section supersedes Civil Service Rule V, 5 CFR, Part 5, with respect to positions covered by these regulations.

§ 18.3 *Rating and eligibility*—(a) *Rating.* Examination papers shall be rated on a scale of 100.

When an applicant granted five- or ten-point preference under these regulations is rated in examinations where experience is an element of qualifications, time spent in the military or naval service of the United States shall be considered as an extension of time spent in the position in which the applicant was employed immediately prior to his entrance into the military or naval service where such position was similar to that for which he is filing application. In all examinations to determine the qualifications of an applicant credit shall be given for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received therefor.

(b) *Preference.* In examinations for appointment or reappointment five points shall be added to the earned ratings of honorably discharged ex-service men and women who have served in any branch of the armed forces of the United States during any war or in any campaign or expedition (for which a campaign badge has been authorized). The following shall have ten points added to their ratings:

(1) Honorably discharged ex-service men and women who have served in any branch of the armed forces of the United States and who have established the present existence of service-connected disability or receipt of compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department.

(2) The wives of honorably discharged service-connected disabled exservicemen

as have themselves been unable to qualify for any civil service appointment.

(3) The unmarried widows of honorably discharged deceased ex-servicemen who had served in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized).

As used in this paragraph "honorably discharged" shall mean any separation from active duty in any branch of the armed forces under honorable conditions. A transfer to inactive status, a transfer to retired status, the acceptance of a resignation, or the issuance of a discharge will be considered as covered by the above definition if such separation was under honorable conditions.

(c) *Eligible lists.* The names of all competitors rated eligible will be entered on appropriate lists in accordance with their ratings; except that,

(1) The names of eligibles granted five- or ten-point preference under these regulations shall be entered on lists of eligibles in accordance with their respective augmented ratings, and the name of a preference eligible shall be entered ahead of all others having the same rating: *Provided* That, except on lists of eligibles for positions in the professional and scientific services for which the basic entrance salary is over $3000 per annum, the names of eligibles granted ten-point preference under these regulations shall be placed at the top of the appropriate eligible lists.

(2) The order of listing provided for in this section shall, for lists established for the departmental service, be subject to the provisions of § 18.4 (c) of this part relating to the apportionment of appointments among the States and Territories.

(d) *Term of eligibility.* Eligibility on any list shall continue until terminated by the Commission for all eligibles on the list or in accordance with § 18.4 (d) of this part: *Provided*, That eligibility granted under paragraph (e) of this section or as a result of a reopened examination under § 18.1 (b) of this part shall not be terminated in less than one year except in accordance with § 18.4 (d) of this part.

(e) *Restoration to lists of preference employees who have resigned.* Any employee entitled to preference under these regulations who resigns shall, upon request, have his name reentered on the registers upon which his name formerly appeared, or any current registers which have succeeded those registers and for which the qualification requirements are substantially the same as for the registers on which his name formerly appeared, in the order provided in paragraph (c) of this section, and shall be eligible for recertification and reappointment in accordance with the procedure provided in § 18.4 (d) of this part: *Provided*, That whenever there is reasonable doubt as to the applicant's present qualifications for the position the Commission may impose further tests of fitness.

NOTE: This section supersedes Civil Service Rule VI, 5 CFR, Part 6, with respect to positions covered by these regulations.

§ 18.4 *Recruiting and placement*—(a) *Procedure in filling vacancies.* In conformity with the over-all labor supply policies of the Federal government which have been established in view of the comparatively small number of qualified persons now available for appointment to many positions, and in order to avoid competitive recruitment programs on the part of the agencies of the Federal government, the following procedures in the filling of vacancies must be observed:

(1) *Estimates of personnel needs.* Each department and agency shall report to the Commission its estimated future needs for personnel, both in Washington and in the field, in such form and at such intervals as the Commission may prescribe.

(2) *Procedure in filling vacancies.* As soon as the need for filling positions becomes apparent, the department or agency concerned must place a requisition for personnel with the Commission.

(3) *Consideration of qualified employees within the service.* In filling requisitions for personnel, consideration will be given to qualified employees already in the Federal service. Special consideration will be given to those who may, by order of the Director of the Bureau of the Budget, represent excess personnel where presently employed. Every effort will be made to utilize fully present employees of the Government before new employees are brought in from the outside.

(4) *Developing sources of supply of qualified personnel.* The Commission shall, in consultation with the department or agency concerned, work out a program for developing sources of supply of qualified personnel. This program shall be of such a nature that full utilization will be made by the Commission of any resources available to the department or agency concerned.

No activities for developing sources of supply of qualified personnel shall be carried on except with the prior approval of the Commission and under its direction.

(5) *Applications for employment.* Applications for employment in any position in the Government service subject to these regulations, whether by original appointment or transfer, filed with any department or agency of the executive branch of the Government shall be promptly transmitted to the Commission or its representatives. A person calling at any department or agency located in Washington, D. C., in connection with obtaining employment shall not be asked to complete an application by such department or agency, except as may be provided for under subparagraph (3) of this paragraph, or except when the person is presently employed or has been formerly employed in the Federal service, and the appointing officer of the department or agency submits an immediate recommendation for the transfer or reemployment of such person. Under the latter circumstances an application may be taken and forwarded to the Commission.

(6) *Publicity.* No department or agency of the Government shall give any publicity to its needs or prospective needs for personnel through the press, in periodicals, trade or professional journals, over the radio, or otherwise, without the express prior approval of the Commission or its authorized representatives, and, after such approval, only in accordance with the applicable directives and procedures of the Office of War Information. This subparagraph shall apply to all positions which are subject to the War Service Regulations or to the Civil Service Act and Rules.

(7) *Furnishing of names.* Upon receipt of a request for names of qualified persons, the Commission shall certify from the head of the appropriate list of eligibles a number of persons sufficient to permit the nominating or appointing officer to consider three names in connection with each vacancy: *Provided*, That no certification shall be made from a competitive list of eligibles, except of ten-point preference eligibles, when there are three or more names of eligibles granted five- or ten-point preference under these regulations on the War Reemployment List who are qualified and available for the position to be filled.

The eligibles supplied by the Commission will not include the names of persons suggested by the appointing officer unless such persons are within reach for certification in accordance with these regulations. The Commission will not normally certify the name of a person proposed by an agency unless and until it has had a minimum period of two weeks in which to certify qualified applicants in response to the requisition. Under emergency circumstances, the Commission may shorten the time period specified in the preceding sentence, and the Commission may require a longer time period in the event of doubt as to the qualifications of the proposed appointee and in the temporary absence of other qualified candidates.

Whenever public announcement is made of a special competitive examination for filling a particular vacancy in which the statement is made that the register will expire upon appointment to the particular vacancy, such vacancy may not thereafter be filled noncompetitively by promotion, transfer, reappointment, or otherwise. Applications for such examination, however, may be accepted by the Commission from persons who are currently in the Federal service, or who have a status for reappointment to such service, and who are specially recommended by the appointing officer at any time before appointment is made to the vacancy involved. The qualifications of such persons will be rated under the competitive standards observed in the examination, and their names will be entered on the register and certified as if they had originally filed an application in the competitive examination.

(8) *Return of requisitions.* Whenever a requisition for personnel from any department or agency specifies qualifications which are, in the judgment of the Commission, too exacting in the light of the requirements of the job and of present labor market conditions, the Com-

mission will return the requisition. In returning such requisitions, the Commission will indicate its willingness to work out with the department or agency concerned some other solution of its need for personnel, such as the development of a suitable training program and the recruitment of necessary trainees for such a program.

(9) *Direct recruiting.* The Commission may, upon agreement with the department or agency concerned, recruit persons directly for the filling of specific vacancies.

(b) *Sex.* Requisitions for personnel shall be filled without regard to sex unless sex desired is specified by the appointing officer.

(c) *Apportionment.* In filling requisitions for appointment in the departmental service of the departments or independent offices procedures shall be followed which will maintain, as nearly as the conditions of good administration warrant, the apportionment of appointments among the several States and Territories and the District of Columbia upon the basis of population, but the names of eligibles who have been granted military preference shall be supplied without regard to apportionment: *Provided,* That appointments to the following positions shall not be so apportioned:

(1) In all departments and offices: All positions for which the entrance salary is $1,440 or less per annum and all positions of telephone operators, artisan positions in a recognized trade, craft, or skilled (manual) occupation, helpers and apprentices in such occupations, and other subordinate employees, including laborers, in manual occupations and including foremen of laborers, and other foremen and supervisory artisan positions the incumbents of which are required, in the performance of their duties, to have knowledge of the trades, crafts, or skilled occupations.

(2) In the Government Printing Office, mail-equipment shops, local offices in the District of Columbia, field service of the military staff departments and at Army headquarters: All positions.

(d) *Selection.* The nominating or appointing officer shall, with sole reference to merit and fitness, make selections for appointment to each vacancy from not more than the highest three names available for appointment on the certificate: *Provided,* That the appointing officer need not consider any nonpreference eligible who has been within his reach for three separate vacancies or against whom objection shall be made and sustained for any of the reasons stated in § 18.2 (c) of this part. The second and any additional vacancies shall be filled in like manner.

An appointing officer who passes over an eligible granted five- or ten-point preference under these regulations and tentatively selects a non-preference eligible shall file with the Commission his reasons in writing for so doing and the Commission shall determine the sufficiency or insufficiency of such submitted reasons. The nonpreference eligible tentatively selected may not legally be appointed until the appointing officer has considered the findings of the Commission as to the sufficiency or insufficiency of the reasons submitted for passing over the preference eligible. Upon receipt of a finding of the Commission that the reasons for passing over a preference eligible are sufficient, the nonpreference eligible tentatively selected may be appointed. If the Commission finds that the reasons submitted are insufficient the appointing officer may (1) submit additional information in support of his reasons, in which case the appointment of the nonpreference eligible may not be made until the appointing officer receives the findings of the Commission on the additional information; or (2) consider the findings of the Commission as to insufficiency and appoint either the preference eligible or the tentatively selected nonpreference eligible. A copy of the appointing officer's reasons and the Commission's findings shall, upon request, be sent to the eligible or his designated representative. If upon certification reasons deemed sufficient by the Commission for passing over his name shall three times have been given by an appointing officer, certification of his name for appointment will thereafter be discontinued, prior notice of which shall be sent to the eligible. Any nonpreference eligible who has been within reach for three separate vacancies in his turn, and any preference eligible who has been passed over three times for reasons deemed sufficient by the Commission, may be subsequently selected, subject to the approval of the Commission, from the certificate on which his name last appeared if the condition of the list has not so changed as to place him in other respects beyond reach of certification.

NOTE: This section supersedes Civil Service Rule VII, 5 CFR, Part 7, with respect to positions covered by these regulations.

§ 18.5 *Appointment*—(a) *Notification of eligibles.* An eligible selected for appointment shall be duly notified in writing by the appointing officer.

(b) *Status of appointees.* Persons appointed under these regulations will not thereby acquire a classified (competitive) civil service status. Unless otherwise specifically limited such appointments may be for the duration of the present war and for six months thereafter.

(c) *Trial period.* Except for persons appointed for a specific period of one year or less, the first full year of service shall be a trial period, satisfactory completion of which shall be considered part of the entrance examination. If and when, after a full and fair trial during this period, the conduct or capacity of the trial appointee be not satisfactory to the appointing officer, the appointee may at any time thereafter during the trial period be so notified in writing, and such notice shall terminate his service. In the case of substitutes in the Postal Service the trial period will be 2,488 hours of active duty.

(d) *Emergency appointment without examination.* (1) In cases of extreme emergency where positions must be filled without delay, and where time does not permit the securing of prior authority, emergency appointments for not to exceed thirty days may be made without examination and without specific authority of the Commission. This authority shall not apply to positions in Washington, D. C., or to positions in cities where Regional Offices or Branch Regional Offices of the Commission are located. Such appointments may not be extended beyond the thirty-day period without the express prior approval of the Commission.

(2) Notwithstanding the provisions of this paragraph, all existing special agreements between the Commission and any department or agency are continued in effect until further notice except that such appointments will be made initially under Executive Order No. 9063. Approval of the Commission or the Regional Director or his representative must be obtained for continuation of such appointments beyond the period authorized by such agreements.

(3) Except as provided in subparagraphs (1) and (2) of this paragraph, appointment without examination may be made only with the express prior approval of the Commission.

(4) In making appointments under this paragraph, the appointing officer shall give first consideration to those qualified applicants who are entitled to military preference under the provisions of these regulations.

(5) The War Service indefinite appointment in the same agency or another agency of any employee serving under an emergency appointment under this paragraph may not be authorized noncompetitively under § 18.9 of this part unless he has a status for reappointment under § 18.8 of this part, or unless he has served 90 days under such temporary appointment and extensions thereof. Service under an emergency appointment of a non-preference eligible who is within reach for indefinite appointment on an appropriate list of eligibles will not be considered as a satisfactory reason for passing over a preference eligible higher on such list and selecting the non-preference eligible.

(e) *Noncompetitive appointment necessitated by war program.* When, in the discretion of the Commission, the exigencies of the war program demand that a position be filled immediately before the Commission has time to establish a formal list of eligibles the noncompetitive appointment of a qualified person who is immediately available may be authorized: *Provided,* That such an appointment shall be a temporary appointment not to exceed one year and may be renewed for one additional year at the discretion of the department or agency concerned.

(f) *Positions which become subject to the War Service regulations.* The following classes of employees may be given war service appointments without prior approval of the Commission:

(1) Any person holding a position in a public or private enterprise which is taken over by the Federal Government and who thereby becomes an employee of the Government.

(2) Any Federal employee holding a position which is excepted from the Civil Service Act and rules and the War Service regulations when his position is made subject to the Civil Service Act and Rules or the War Service Regulations.

All war service appointments made under this paragraph shall be reported immediately to the Commission.

No person given a war service appointment under this paragraph shall acquire eligibility for a classified civil service status until six months after the end of the present war. At the expiration of six months after the war, such person may be recommended for a classified civil service status in accordance with § 2.6 of this chapter provided his position becomes a permanent position in the classified civil service and he is still the incumbent thereof.

This section shall not apply to postal employees who become eligible for a classified civil service status in accordance with § 2.7 of this chapter.

NOTE: This section supersedes Civil Service Rules VII and VIII, 5 CFR Parts 7 and 8, with respect to positions covered by these regulations.

§ 18.6 *Promotion*—(a) *Procedure in promotion.* Employees appointed to indefinite or temporary positions under the provisions of these regulations may be promoted within the same department or agency in the same manner and under the same procedure and standards as employees having a classified civil service status: *Provided,* That no promotion shall be made of persons who are serving under emergency appointments authorized under § 18.5 (d) of this part.

(b) *Qualifications.* In determining qualifications for promotion with respect to employees entitled to five- or ten-point preference under these regulations, any requirements as to age, height, and weight shall be waived provided any such requirement is not essential to the performance of the duties of the position. After due consideration has been given to the recommendation of any accredited physician, the physical requirements shall be waived in the case of any such employee provided he is found physically able to discharge efficiently the duties of the position for which promotion is proposed.

(c) *Promotion of substitutes.* Whenever in the Postal Service two or more substitutes are appointed on the same day, they shall be promoted to the regular force in the order in which their names appeared on the civil service register from which they were originally appointed whenever there are substitutes of the required sex who are available and will accept, unless such vacancies are filled by transfer or reinstatement.

NOTE: For regulations relating to promotion of employees having a classified civil service status, see 5 CFR Part 11.

§ 18.7 *Removal*—(a) *Procedure in removals.* The provisions of Part 12 of this chapter shall apply to all persons appointed under the provisions of these regulations except (1) those appointed for period specifically limited to one year or less, (2) those serving the trial period provided for in § 18.5 (c) of this chapter, and (3) those appointed subject to a condition imposed by the Commission which has not been complied with.

(b) *Preference employees.* In addition to any rights to which he may be entitled under paragraph (a) of this section, any employee (other than those excepted in paragraph (a) of this section) entitled to five- or ten-point preference under these regulations, who is proposed for involuntary discharge, suspension for more than thirty days, furlough without pay, or reduction in rank or compensation, shall have at least thirty days' advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action. Such preference employee shall be allowed a reasonable time for answering the same personally and in writing, and for furnishing affidavits in support of such answer, and shall have the right to appeal to the Commission from an adverse decision of the administrative officer so acting. Such appeal shall be made in writing within a reasonable length of time after the date of receipt of notice of such adverse decision: *Provided,* That such preference employee shall have the right to make a personal appearance, or an appearance through a designated representative, in accordance with rules and regulations of the Commission. After investigation and consideration of the evidence submitted, the Commission shall submit its findings and recommendations to the proper administrative officer and shall send copies of the same to the appellant or his designated representative: *Provided further,* That the Commission may declare any such preference eligible who may have been dismissed or furloughed without pay to be eligible for entry of his name on the War Reemployment List.

§ 18.8 *Reappointment of persons granted preference.* (a) Subject to the prior approval of the Commission a former civilian employee of the executive branch of the Federal Government or the District of Columbia Government who is entitled to military preference under these regulations may be reappointed by war service appointment to any position for which he meets the standards as to experience and training established for open competitive examination for such position: *Provided,* That noncompetitive standards may be used in determining the qualifications of such person proposed by his former agency for reappointment to the same or a lower grade position of the same general type as one in which he previously served in such agency.

(b) *Reappointment of persons with civil service status.* Subject to the prior approval of the Commission a former civilian employee who would have a status for reinstatement under Part 9 of this chapter and the regulations in force prior to March 16, 1942, may be reappointed by war service appointment to any position for which he meets the standards as to experience and training established for open competitive examination for such positions: *Provided,* That noncompetitive standards may be used for determining the qualifications of such person proposed by his former agency for reappointment to the same or a lower grade position of the same general type as one in which he previously served in such agency.

(c) *Reappointment of persons without civil service status or preference.* Subject to the prior approval of the Commission a former civilian employee who does not have a status for reappointment under paragraph (a) or (b) of this section but who has served at least one month under war service indefinite appointment may, within twelve months of separation from such appointment, be reappointed by war service appointment to any position in the agency in which such service was rendered for which he meets the standards as to experience and training established for open competitive examination for such position: *Provided,* That noncompetitive standards may be used in determining the qualifications of such person for reappointment to the same or a lower grade position of the same general type as one in which he previously served in such agency.

(d) *Actual service required.* Reappointment under this section must be for actual service and not primarily for the purpose of bringing former employees within the provisions of the Civil Service Retirement Act as amended.

(e) *Trial period.* Persons reappointed under this section will be required to serve a trial period of one year in accordance with § 18.5 (c) of this part. In the case of substitutes in the Postal Service the trial period will be 2448 hours of active duty.

(f) *Postal Service.* When a former classified employee is to be reinstated to a position in the Postal Service, reinstatement will be made under Part 9 of this chapter.

Temporary appointment in the Postal Service may be authorized, when necessary, under § 8.1 of this chapter pending reinstatement or reappointment.

NOTE: This section supersedes Civil Service Rule IX, 5 CFR Part 9, with respect to positions covered by these regulations.

§ 18.9 *Transfer*—(a) *Transfers in interests of war program.* In determining whether an employee can make a more effective contribution to the war program in some other Government position, or in a position in private or public enterprise, for the purpose of this section the Commission will base its finding upon:

(1) The extent to which the skills, abilities, training and experience of the employee are required and will be utilized by the departments, agencies, activities or private or public enterprise concerned; and

(2) The relative importance of the war program of the government activities in which the employee has been employed and to which he will be transferred; and

(3) The relative importance to the war program of the government activity in which the employee has been employed and of the private or public enterprise to which he will be transferred, as indicated by such policies and directives as the Chairman of the War Manpower Commission may prescribe.

(b) *Inter-agency transfers.* (1) Whenever the Commission shall find that an employee will make a more effective contribution to the war program in a position in some other agency or activity,

transfer will be authorized by the Commission under Directive No. X of the War Manpower Commission (effective September 27, 1942), 7 F.R. 7298, 11050; 9 F.R. 3534. Such transfer shall be authorized subject to the following conditions:

(i) The employee transferred shall be entitled to the reemployment benefits set forth in paragraph (e) of this section.

(ii) The consent of the employee shall not be required, but any employee whose transfer is to be directed without his consent shall be afforded such period of time as the War Transfer Unit of the Contral Office of the Commission or the War Transfer Unit of a Regional Office, as the case may be, may specify to present in writing reasons and evidence that the proposed transfer is inequitable or will impose upon him an undue hardship. The employee's statement will be considered by the War Transfer Unit in the Central Office or in a Regional Office, as the case may be, and if it is decided to direct the transfer, the employee shall be so notified and afforded a reasonable period of time to file an appeal.

Upon receipt of an appeal from the employee, there will be designated by the Chief Law Officer of the Commission (or, in cases involving employees in the field service, by the Regional Director) a committee consisting of an employee representative and an administrative or supervisory official of a Government department or agency not involved in the proposed transfer to consider the employee's statement and such other evidence as it may consider pertinent, and to report to the Commission's Chief Law Officer, or the Regional Director, as the case may be, its findings as to whether the proposed transfer is inequitable or will impose an undue hardship upon the employee. Final decision as to whether the proposed transfer shall be ordered will be made by the Commission's Chief Law Officer, or the Regional Director, as the case may be: *Provided*, That whenever the Chief Law Officer or the Regional Director does not agree with the findings of the Committee, the case shall be forwarded to the Commission for final decision. If the special committee is unable to agree on a finding, the Chief Law Officer or the Regional Director, as the case may be, shall forward the case to the Commission for final decision with his recommendation.

(iii) Whenever a transfer is authorized under this subparagraph to a position beyond reasonable commuting distance from the home of the employee concerned, the department or agency to which he is transferred shall reimburse the employee for the cost of transporting himself and his household goods, out of funds available to the agency for expenses of travel or transportation, in accordance with Government regulations. No employee shall, without his consent, be transferred to a position at a lower salary than he is receiving at the time transfer is initiated.

(iv) The consent of the agency in which the employee is serving shall not be required, but such agency shall be notified by the Commission and allowed such period of time as the Commission shall specify to present evidence that its work will be jeopardized by the loss of the employee's services and as to the extent to which the employee's skills, abilities, training, and experience are being and will be utilized in connection with the war program or essential supporting activities in such department or agency. The Commission will consider this, and all other relevant evidence, and unless a decision to the contrary is reached by the Commission, the transfer shall become effective within ten days of the original notification. In the event that the Commission finds that the agency's work will be jeopardized by an immediate transfer of the employee, the transfer shall become effective on such date as the Commission may specify.

(v) An employee desiring to apply for transfer may file his application either with the Commission or with the agency to which he desires transfer. The department or agency receiving applications for transfer from such employees shall forward the applications immediately to the Commission. The applications may be accompanied by request for transfer or reappointment.

(vi) The Commission may, of its own motion, initiate action to effect transfers under this paragraph.

(2) Transfers may be authorized by the Commission without reemployment rights under Executive Order No. 9063 of February 16, 1942, under the conditions listed below; *Provided*, That in the judgment of the Commission the transfer is not contrary to the best interests of the war program or contrary to the most effective methods of filling the Federal Government's requirements for manpower in the civilian service or in conflict with the policies or directives of the War Manpower Commission:

(i) When the employee has compelling personal reasons for seeking a transfer and to remain in his present position would be an undue hardship upon the employee, or

(ii) When the transfer under the provisions of Directive No. X of the War Manpower Commission (7 F.R. 7298, 11050; 9 F. R. 3534) may not be made with reemployment rights but, in the judgment of the Commission, would be in the best interests of the Government service.

Should the department or agency in which the employee is serving object to the proposed transfer, the Commission will consider such information and evidence as may be submitted by the department and make a final decision as to whether the transfer shall be authorized.

(c) *Intra-agency transfers.* The transfer of any employee from one activity or office to another activity or office within the same department or agency may be effected by the head of the department or agency without the prior approval of the Commission, subject to the following conditions:

(1) An employee transferred under this paragraph shall be entitled to the reemployment benefits set forth in paragraph (e) of this section whenever the head of the agency concerned shall find that the skills and qualifications possessed by the employee can be better utilized in the position to which he is transferred, and that the employee can thus make a more effective contribution to the war program. All transfers under this section involving reemployment benefits shall be reported to the Commission within one week after the effective date of the transfer.

(2) All other transfers within a department or agency shall be made and reported to the Commission as heretofore.

(3) The Commission may, of its own motion, initiate action to effect such transfers.

(d) *Transfers to private or public enterprise.* The release of any employee from any department or agency for employment in a private or public enterprise, including an activity carried on by a State, Territory, or possession of the United States, or by any political subdivision thereof, or by any agency or instrumentality of a State, Territory, or possession of the United States or their political subdivisions, will be authorized by the Commission under Directive No. X of the War Manpower Commission (effective September 27, 1942) 7 F.R. 7298, 11050; 9 F.R. 3534, whenever the Commission shall find that such employee is qualified to perform work in a critical war occupation (as defined in the Essential Activities and Essential Occupations Directive of the War Manpower Commission, 7 F.R. 4748) and can make a more effective contribution to the war effort in an essential activity carried on by a private or public enterprise, subject to the following conditions:

(1) An employee released under this paragraph shall be entitled to the reemployment benefits set forth in paragraph (e) of this section.

(2) The consent of the employee shall be required for release under this paragraph.

(3) An employee whose release has been authorized under this paragraph shall be carried in a leave-without-pay status in his Federal position for the period of his employment with the private or public enterprise, but not to extend beyond six months after the end of the war.

(4) The consent of the agency in which the employee is serving shall not be required for release under this paragraph, but such agency shall be notified by the Commission and allowed such period of time as the Commission shall specify to present evidence that its work will be jeopardized by the loss of the employee's services and as to the extent to which the employee's skills, abilities, training, and experience are being and will be utilized in such department or agency. The Commission will consider this, and all other relevant evidence, and unless a decision to the contrary is reached by the Commission, the release shall become effective within ten days of the original notification. In the event that the Commission finds that the agency's work will be jeopardized by an immediate release of the employee, the release shall become effective on such date as the Commission may specify.

(5) Action to effect the release of individual employees under this paragraph may be initiated by the employee, the department or agency in which he is

employed, the private or public enterprise concerned, the United States Employment Service of the War Manpower Commission, or the Civil Service Commission.

(e) *Unemployment benefits.* (1) Any person, except one holding a temporary position, transferred under this section under such conditions as to entitle him to reemployment benefits, who is subsequently involuntarily furloughed or terminated without cause such as would reflect on his suitability for reemployment in the Federal service, shall be entitled to the rights specified below, provided he is still qualified to perform the duties of his position and that he makes application for reinstatement within forty days after the termination of his services, but in no event later than six months after the end of the war.

(i) If transferred to another Federal department or agency, he shall be entitled to thirty days' notice from the department or agency to which he has been transferred, prior to the termination of his services with such department or agency, unless such termination is for cause.

(ii) He shall be reinstated within thirty days of his application in the same department or agency and to the maximum extent practicable, in the same locality, in his former position, or in a position of like seniority, status, and pay, in such manner, to the extent consistent with law, that he does not lose any of the rights or benefits to which he would have been entitled had he not been transferred or released, provided that such a position then exists.

(iii) If such a position, or if the agency or activity in which he was employed, is no longer in existence and such person therefore cannot be reinstated, his name shall be entered on the Reemployment List established pursuant to Executive Order No. 5924 of September 20, 1932, to be considered for certification, ahead of all other lists maintained by the Commission, to positions elsewhere in the Government service for which he is eligible by reason of his civil service status and qualifications.

(2) In the event of the transfer of any employee under a series of transfers, all of which are under such conditions as to entitle him to the reemployment benefits provided in this section, such reemployment benefits shall continue to be applicable to the agency from which the employee was originally transferred.

(3) An employee who transfers within the Government service under such conditions as to entitle him to reemployment benefits, or an employee who has been released from a Government position for employment in an essential activity conducted by a public or private enterprise under such conditions as to entitle him to reemployment benefits, and who, while employed in the position to which transferred or released, enters active service with the armed forces of the United States, shall be entitled to the same reemployment benefits with respect to the Government position from which he was transferred or released as those to which he would have been entitled had he entered active military or naval service while employed in such Government position.

(4) A person initially appointed for the duration of the war who receives a transfer or release under these regulations for the duration of the war, under such conditions as to entitle him to reemployment benefits, will not be required to be reemployed at the cessation of the war in the department or agency in which he was originally employed in view of the fact that his position would no longer exist and in view of the fact that no position of like status would exist. Such person will, however, be entitled to have his name entered on the Reemployment List as provided in this paragraph.

(5) Whenever the filling of any position by promotion from within for an indefinite period is being considered by any department or agency, employees who have been transferred or released under conditions which entitle them to reemployment benefits in such department or agency shall be given the same consideration they would have received had they not been transferred or released, and may be selected for such promotion. In the event of such selection, if such employee is not authorized to return to the position to which promotion was made, the position in question shall be filled only for the duration of such employee's reemployment rights under paragraph (e) of this section, and such reemployment rights shall be applicable to the position to which promotion was made.

(f) *Examinations.* No employee appointed without competitive or noncompetitive examination may be transferred without qualifying in such appropriate noncompetitive examinations as the Commission may prescribe, except employees who are subject to Title I of the Act of November 26, 1940 (5 U.S.C. 631a, 631b), or any statute or Executive order providing for the acquisition of a classified civil service status. Whenever a transfer involves also a promotion or change in status, the provisions of these regulations regarding promotions and changes in status shall be applicable to such transfers.

(g) *Apportionment.* The provisions of § 18.4 (c) of this part relating to the apportionment of positions among the several States shall not be applicable to transfers under this section, and such transfers shall not be charged to the quota of any State under such apportionment.

(h) *Status of employees.* (1) No employee serving under an emergency appointment under § 18.5 (d) of this part may be transferred under this section unless he has a status for reappointment under § 18.8 of this part or unless he has served 90 days under such temporary appointment and extensions thereof. The appointments otherwise of such persons are subject to the provisions of § 18.10 (d) and (e) of this part.

(2) In all transfers under this section, the employee shall retain for all intents and purposes under the civil service laws and rules the same civil service status which he had in the agency from which he was originally transferred.

Any transfer or reappointment of an employee who was originally appointed "subject to investigation" will be subject to the results of the investigation.

(i) *Reports.* Each department and agency shall submit to the Commission such information as the Commission may require for the effectuation of Directive No. X of the War Manpower Commission (7 F.R. 7298, 11050; 9 F.R. 3534) in such form and at such intervals as the Commission may prescribe.

(j) *Post Office Department, field service.* This section shall not apply to transfers to or between positions in the field service of the Post Office Department of persons having a classified civil service status; such transfers may continue to be effected under civil service rules and regulations. This section shall apply to transfers to or between positions in the field service of the Post Office Department of persons who do not have a classified civil service status, and to the transfer of employees from the field service of the Post Office Department to positions in other departments or agencies of the executive branch of the Government.

(E.O. No. 8243 dated September 12, 1942, 7 F.R. 7213; E.O. 9378 dated September 23, 1943, 8 F.R. 13037; Directive No. X, War Manpower Commission, dated September 14, 1942, 7 F.R. 7298, 11050; 9 F.R. 3534)

(k) *Trial period.* Any person who has completed a trial or probationary period during his current period of service shall not be required to serve a new trial period upon transfer under this section. Any person transferred under this section prior to completion of a trial or probationary period may complete his trial or probationary period in the position to which transferred subject to the provision of § 18.5 (c) of this part as to termination of service. Where a person is transferred under this section from a position in which a trial or probationary period is not required, the beginning of the trial period shall be considered as dating from the time of original appointment in the Federal Government during the employee's current continuous service. When a full year of service has been rendered since that date, the employee shall be regarded as having completed his trial period.

(l) *Preference employees in transfers of functions.* When any or all of the functions of any agency are transferred to, or any agency is replaced by some other agency or agencies, all employees entitled to five- or ten-point preference under these regulations, in such transferred agency, available and qualified for positions in the replacing agency or agencies, shall first be transferred to such positions before such agency or agencies shall appoint additional employees from any other source for such positions, and the Commission will not certify eligibles for such positions as long as such qualified and available preference employees have not been transferred.

NOTE: This section supersedes Civil Service Rule X, 5 CFR Part 10, with respect to positions covered by these regulations.

§ 18.10 *Release from Government employment*—(a) *Consent for reappointment, reinstatement, and reemployment.* No department or agency will effect the transfer or the appointment, reappointment, reinstatement, or reemployment within thirty days of separation from the

service of any employee, or former employee, as the case may be, of another department or agency without the express prior approval of the Commission.

(b) *Employment of short-term employees.* A person who is serving or who last served under an appointment limited to six months or less shall not be required to secure the consent of any Government department or agency in order to be appointed, reappointed, transferred, reinstated, or reemployed in any other Government department or agency for a period to extend for the duration of the war and six months thereafter.

§ 18.11 *Extent of regulations*—(a) *Regulations superseded.* These regulations shall supersede Parts 3, 5, 6, 7, 8, 9, 10, of this chapter, and all provisions of joint regulations inconsistent with this part for all positions except (unless otherwise specifically provided in this part):

(1) Positions other than those filled by civilian employees of the forces in the Police and Fire Departments of the municipal government of the District of Columbia;

(2) Positions of policemen in the U. S. Park Police force of the Interior Department.

(3) Postmasters. Other positions in the field service of the Post Office Department when retroactive probational appointments are made thereto of persons who entered on duty prior to November 23, 1943, through certification for probational appointment but who were found ineligible for probational appointment because of physical condition and who subsequently become eligible by correcting their physical condition.

Section 2.6 of this chapter is suspended as to appointments made under § 18.5 (f) of this part, but said § 2.6 of this chapter shall be applicable to postal employees who become eligible for a classified civil service status in accordance with § 2.7 of this chapter.

(b) *Violations; revocation of delegated authority.* Whenever the Commission shall find that any department or agency, or part thereof, has acted in violation of any provision of the civil service rules or of these regulations, the Commission may revoke in whole or in part any authority to act delegated to such department or agency, or part thereof.

§ 18.12 *Stabilization of employment.* Actions taken under or pursuant to these War Service regulations shall be subject to the directives, orders, regulations and employment stabilization programs of the War Manpower Commission.

No employee of the civilian executive branch of the Federal Government shall be released from Federal employment to accept non-Federal employment except in accordance with applicable War Manpower Commission employment stabilization programs.

§ 18.13 *Restoration of persons having reemployment rights*—(a) *Persons discharged from the military or naval service.* Any civilian employee of the executive branch of the Government who has left or leaves his position (other than a temporary position) in order to perform active military or naval service for the United States, and (1) is honorably separated from active military or naval service and (2) is still qualified to perform the duties of his position, and (3) makes application for reemployment in such position within forty days after his separation from active military or naval service, shall be entitled to the following reemployment benefits:

(1) He shall be reemployed in any position to which, according to the records of the agency, and according to the promotion regulations then in effect, he would have been promoted if he had not been absent to perform military or naval service;

(2) If such position does not exist, he shall be restored to the position which he held at the time of his entry into the military or naval service;

(3) If neither of the positions referred to in subparagraphs (1) or (2) exists, he shall be restored to a position comparable as to seniority, status, and pay with the position which he held at the time of his entry into the military or naval service.

This paragraph shall apply to employees who were originally appointed for the duration of the war, or for the duration of the war and six months thereafter: *Provided, however,* That such employees shall not be required to be retained in employment beyond the limitation placed upon their original appointments: *Provided further,* That no permanent employee shall be removed, nor shall any permanent employee be denied reemployment under this section in order that any employee who was originally appointed for the duration of the war, or for the duration of the war and six months thereafter, may be reemployed under this section.

Any person restored pursuant to this paragraph shall be restored without loss of seniority rights or other rights dependent upon length of service.

(b) *Time limit.* Any person who is entitled to reemployment in the Government service under paragraph (a) of this section, or under any provisions of § 18.9 of this part, shall be reemployed as provided in these regulations within thirty days of his application for reemployment. In the event the employee cannot establish proof of honorable separation from the armed forces, he may be restored to duty "subject to proof of honorable separation".

(c) *Establishing proof of separation from military or naval service.* When a person entitled to reemployment in the Government service after active military or naval service is restored to duty the agency concerned shall submit proof of discharge from such service and Preference Form 14 to the Commission.

NOTE: The Act of June 23, 1943 (50 U. S. C., App. 1472) granting reemployment benefits to Federal employees who have served in the merchant marine is administered and enforced by the Administrator, War Shipping Administration.

§ 18.14 *War Reemployment List.* (a) The following persons shall be eligible to apply for entry of their names on the War Reemployment List:

All present or former civilian officers and employees (except temporary employees appointed for a definitely limited period of one year or less), of the Executive Branch of the United States Government, the District of Columbia Government, or the Administrative Office of the United States Courts, who are unqualifiedly recommended for further Federal employment, have satisfactory service histories, have not been reemployed (except under temporary appointment) in the Federal service since becoming eligible to apply, and

(1) Who on account of reduction in force will be, within 3 months, or have been, within one year, separated from the service or furloughed for 3 months or more; or

(2) Who, having been transferred with reemployment rights under the provisions of Executive Orders 8973 or 9067 or Directive No. X of the War Manpower Commission, are eligible under the provisions of such Executive orders or Directive to apply for entry of their names on the War Reemployment List and make application within one year of separation from the activity to which so transferred, or

(3) Who, having entered the armed forces or the mechant marine from a Federal civilian position, or from a position in public or private enterprise to which transferred with reemployment rights by the Commission, have been honorably separated or granted certificates of substantially continuous service and make application within one year of separation from the armed forces or release from the merchant marine; or

(4) Who have within one year been separated from the service due to the return to duty of employees who entered the armed forces or the merchant marine or who were transferred with reemployment rights; or

(5) Who, having elected to remain in the same city because of personal or family reasons when the Government agencies or organizational units by which they are presently or were formerly employed were ordered to move to another city beyond normal commuting distances, (i) are currently or within three months are to be on terminal leave from such agencies or organizational units, or (ii) have been separated from the service because of the removal of such agencies or organizational units, provided application is made before or within one year after the date of such removal.

(b) The Commission will enter on this list the employees who are entitled to preference under these regulations and who it finds have been unjustifiably dismissed or furloughed without pay.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

JUNE 28, 1944.

[F. R. Doc. 44-9482; Filed, June 29, 1944; 9:14 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—War Food Administration (Commodity Credit)

[1944 C. C. C. Wheat Form 1—Instructions]

PART 251—1944 WHEAT LOANS

INSTRUCTIONS CONCERNING LOANS ON 1944 WHEAT

Commodity Credit Corporation has authorized the making of loans to eligible producers on eligible wheat stored on farms or in approved public grain warehouses. These instructions state the requirements of Commodity Credit Corporation with reference to making such loans on wheat and the purchase of notes secured by wheat.

Sec.

251.1 Definitions.
251.2 Areas in which loans are available.
251.3 Loan rates.
251.4 Protein premium.
251.5 Variation for grades.
251.6 Determination of dockage, smut, and garlic.
251.7 Determination of quantity of wheat.
251.8 Farm storage.
251.9 Storage allowance.
251.10 Public warehouses.
251.11 Warehouse receipts.
251.12 Liens.
251.13 Insurance.
251.14 Maturity and interest rate.
251.15 Purchase of loan.
251.16 Offices of the Regional Directors of Commodity Credit Corporation.
251.17 County agricultural conservation committee.
251.18 Release of collateral.

AUTHORITY: §§ 251.1 to 251.18, inclusive, issued under Title III, sec. 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1302), the Act of May 26, 1941 (55 Stat. 205, 7 U.S.C., Supp. I, 1330), as amended by the Act of December 26, 1941 (55 Stat. 860), the Act of October 2, 1942 (56 Stat. 767; 50 U.S.C., Supp. II, 968), and Pub. Law 240, 78th Cong.

§ 251.1 *Definitions.* For the purpose of these instructions and the notes and loan agreements or mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) *Eligible producer.* An eligible producer shall be any person, partnership, association, corporation, or other legal entity, who produced wheat in 1944 as landowner, landlord, tenant, or sharecropper.

(b) *Eligible wheat.* Eligible wheat shall be wheat which meets the following requirements:

(1) Such wheat must be produced in 1944, by the producer tendering the wheat for a loan.

(2) Such wheat must be free and clear of all liens and encumbrances, including landlord's liens, except in favor of the lienholders who are listed in the List of Lienholders.

(3) Such wheat must be tendered for a loan by a person who is the owner of the wheat and who has the legal right to pledge or mortgage it as security for the loan.

(4) The beneficial interest in the wheat must be in the person tendering the wheat for a loan and must always have been in him.

(5) Such wheat must be in eligible storage.

(6) Such wheat must be (i) wheat of any class grading No. 3 or better, or (ii) wheat of any class grading No. 4 or 5 solely on the factor of test weight, but otherwise grading No. 3 or better, except that if the wheat is warehouse-stored, the quality of the wheat must be evidenced by a statement of the warehouseman on the warehouse receipt, the inspection certificate, or the warehouseman's supplemental certificate, substantially as follows: "This wheat grades No. _____ solely because of test weight," or (iii) wheat of the class mixed wheat, consisting only of mixtures of grades of wheat which are eligible for loans as stated in (i) and (ii) hereof, provided such mixtures are the natural products of the field.

(7) If such wheat is of the class hard red spring or durum, it shall contain not more than 14½ percent moisture, and if it is of any other class, it shall contain not more than 14 percent moisture, except that:

(i) When stored in warehouses wheat containing not more than 15½ percent moisture in States west of the Mississippi River and 17 percent moisture in States east of the Mississippi River, grading tough or carrying a notation as to weevils or other insects injurious to stored grain, but otherwise eligible, may be processed at the producer's expense, and such wheat will thereafter be considered eligible for loan purposes provided the original warehouse receipt and warehouseman's supplemental certificate, in addition to other original documents, are accompanied by a certificate of the approved warehouseman issuing said receipts, which should read as follows:

The wheat represented by attached warehouse receipt No. _____, dated _____, covering loan wheat, has been processed, at the request of the eligible producer, and redelivery will be made of the same country-run quality, quantity, grade, and protein as shown on the said warehouse receipt and accompanying original inbound inspection, weight, and other required documents free of "tough" and "weevily" notation. Lien for processing charges will not be claimed by warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

(Signed) _____
(Warehouseman)

_____
(Address)

Date _____ 19___.

(ii) When stored on farms in all counties in the States of Michigan, Pennsylvania, New York, New Jersey, Maryland, Delaware, and Virginia, and in all counties in the States of Indiana and Ohio north of or intersected by the fortieth parallel meridian, wheat of the classes hard red winter, soft red winter, white, and mixed wheat of such classes grading tough but containing not more than 14½ percent moisture, if otherwise meeting the requirements of Commodity Credit Corporation, and in good sound condition, will be eligible for a loan at a discount of 2 cents per bushel from the rate for such wheat testing 14 percent or less in moisture content.

(c) *Eligible storage.* Eligible storage shall include public grain warehouses and farm storage meeting the following respective requirements:

(1) Public grain warehouses must meet the requirements of Commodity Credit Corporation and must have executed the Uniform Grain Storage Agreement. Such warehouses may be situated either at terminal, subterminal, or country points.

(2) Farm storage shall consist of farm bins and granaries which are of such substantial and permanent construction, as determined by the county agricultural conservation committee, as to afford safe storage of the wheat for a period of 2 years, and permit effective fumigation for the destruction of insects, and afford protection against rodents, other animals, thieves, and weather.

(d) *Lending agency.* Any bank, cooperative marketing association, or other corporation, partnership, or person making loans, in accordance with these instructions, which has executed the Contract to Purchase on 1940 C. C. C. Form E.

(e) *Eligible paper.* Eligible paper shall consist of Grain Producer's Notes secured by Grain Chattel Mortgages coving wheat stored on the farm or secured by warehouse receipts representing wheat stored in approved warehouses. Notes must be dated on or subsequent to June 1, 1944, and prior to January 1, 1945, and executed in accordance with these instructions, with State documentary revenue stamps affixed thereto where required by law. Notes executed by an administrator, executor, or trustee will be acceptable only where valid in law.

§ 251.2 *Areas in which loans are available.* (a) Loans are available on eligible wheat stored in approved public grain warehouses in all areas.

(b) Loans are available on eligible wheat stored on farms in the following areas:

All counties in Arizona, California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; and in the following counties of the following States:

Oklahoma: Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Craig, Creek, Custer, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, McClain, Major, Mayes, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pottawatomie, Roger Mills, Rogers, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward.

Texas: Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Carson, Castro, Childress, Clay, Cochran, Collingsworth, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Gaines, Garza, Gray, Hale, Hall, Hansford, Hartley, Hardeman, Haskell, Hemphill, Hockley, Howard, Hutchinson, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Scurry, Sherman, Stonewall, Swisher, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Yoakum, and Young.

§ 251.3 *Loan rates.* The loan rates on wheat of the designated grades and subclasses stored in approved public grain warehouses or stored on farms, in coun-

ties where farm storage is permitted, are set out below and in State supplements (1944 C.C.C. Wheat Form 1—Supplement 2—Kansas, et cetera), which State supplements are available at the offices of the county agricultural conservation committees;

(a) *Amount of loans at terminal markets.* 1944 wheat loan rates on No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 dark northern sping, No. 1 northern spring, No. 1 red spring, No. 1 hard amber durum, No. 1 amber durum, No. 1 durum, stored in approved public grain warehouses at the following terminal markets shall be as follows:

Market	*Loan rate per bushel*
Kansas City, St. Joseph, Mo.; Kansas City, Kans.; Omaha, Nebr.; Council Bluffs, Iowa	$1.44
Chicago, Ill.; Milwaukee, Wis.; St. Louis, Mo.; East St. Louis, Ill.	1.49
Minneapolis, St. Paul, Duluth, Minn.; Superior, Wis.	1.46
Portland, Oreg.; Seattle, Vancouver, Tacoma, Longview, Wash.	1.39
San Francisco, Los Angeles, Stockton, Oakland, Calif.	1.49
Galveston, Houston, Tex.; New Orleans, La.	1.52
Cairo, Ill.	1.50
Evansville, Ind.; Louisville, Ky.; Cincinnati, Ohio	1.51
Philadelphia, Pa.; Baltimore, Md.; Norfolk, Va.	1.60
Albany, N. Y.	1.61

NOTE: The terminal loan rate for other No. 1 wheat shall be determined by subtracting the following discounts from the applicable terminal loan rates:

(a) For No. 1 wheat of the class "red durum wheat"—discount 15 cents per bushel,

(b) For No. 1 "mixed wheat" (containing less than 10 percent of wheats of the classes "durum" and/or "red durum wheat")—discount 2 cents per bushel,

(c) For No. 1 "mixed wheat" (containing in excess of 10 percent of wheats of the class "durum" and/or "red durum wheat")—discount 15 cents per bushel,

(d) For No. 1 "mixed wheat" grading "amber mixed durum"—discount 5 cents per bushel, and

(e) For No. 1 "mixed wheat" grading "mixed durum"—discount 10 cents per bushel.

The loan rate on No. 1 heavy dark northern spring shall be 1 cent more than the loan rate on No. 1 dark northern spring; the loan rate on No. 1 heavy northern spring shall be 1 cent more than the loan rate on No. 1 northern spring; and the loan rate on No. 1 heavy red spring shall be 1 cent more than the loan rate on No. 1 red spring.

All wheat eligible for loan at the foregoing loan rates must have been shipped on a domestic freight rate basis. The loan rate at the designated terminal market will be reduced by the difference between the freight paid and the domestic rate on any wheat shipped at other than the domestic rate.

The foregoing schedule of loan rates applies to wheat delivered to any designated terminal market in carload lots which has been shipped by rail from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges and other documents as required under the instructions (C.C.C. Wheat Form 1): *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee minimum proportional rate from the terminal market, there shall be deducted from the applicable terminal loan rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee minimum proportional basis on the outbound movement; *Provided further*, That Commodity Credit Corporation will accept in lieu of such bills, warehouse receipts for which a legend, signed by the warehouseman, has been typewritten in the following form, or certificate of such warehouseman containing such an undertaking, or such forms as may hereafter be approved by Commodity Credit Corporation.

FREIGHT CERTIFICATE FOR TERMINALS

The _____ represented by
(commodity)
attached warehouse receipt No. _____ was received by rail freight from _____
(town)
_____ _____
(county) (State)
point of origin, as evidenced by freight bill described as follows:

Way Bill, Date _____ No. _____
Car No. _____ Init. _____
Freight Bill, Date _____ No. _____
Carrier _____ Transit Weight _____
Freight Rate In _____
Amount Collected _____
Number Unused Transit Stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 22 of the Uniform Grain Storage Agreement.

_____
Date of Signature

_____
Warehouseman's Signature

_____
Address

Otherwise a deduction of 6 cents per bushel shall be made. Wheat trucked to a designated terminal market and stored in a warehouse shall have a loan rate equal to the higher of (1) the terminal loan rate minus 6 cents per bushel or, (2) the county loan rate for the county in which the wheat is stored.

(b) *Amount of loan at country points.* (1) Except for the States and counties hereinafter set forth, Commodity Credit Corporation will determine the loan rate on wheat in storage on the farm or in country warehouses by deducting from the designated terminal market loan value an amount equal to 3 cents more than the all-rail interstate freight rate (in effect on May 16, 1944) from the country warehouse points, plus freight tax, or the shipping point designated by the producer, to such terminal market; except that in the appropriate counties of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, Arkansas, Texas, and Wisconsin such rates shall be computed on the basis of the average freight rate from all shipping points other than subterminal markets in each county to the appropriate terminal market.

Each approved warehouse will be advised as to the loan rate applicable to wheat stored in such warehouse. Producers may obtain from the county committee the loan rates applicable to wheat stored on each farm and in the public warehouses. Loan rates will be published in C. C. C. Wheat Form 1—Supplement 2, for each State.

The loan rate of eligible wheat stored in approved warehouses (other than those situated in the designated terminal markets) which was shipped by rail may be determined by deducting from the appropriate designated terminal market loan value an amount equal to the transit balance of the through freight rate from point of origin for such wheat to such terminal market, plus freight tax on such transit balance: *Provided*, That in the case of wheat stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line or other costs incurred in storing loan wheat in such position as determined by Commodity Credit Corporation. Arrangements have been made for the railroads to indicate transit balance of the through rate on the inbound paid freight bills on a basis of 100 pounds. To obtain the loan rate as determined above, the warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges; *Provided*, That Commodity Credit Corporation will accept in lieu of such bills, warehouse receipts for which a legend, signed by the warehouseman, has been typewritten in the following form, or a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The _____ represented by
(commodity)
receipt No. _____ was received by rail freight from _____ _____
(town) (county)
_____ point of origin, as evidenced by
(State)
freight bill described as follows:

Way Bill, Date _____ No. _____
Car No. _____ Init. _____
Freight Bill, Date _____ No. _____
Carrier _____ Transit Weight _____
Freight Rate In _____ Amount Collected _____
Transit Balance, if any, of through freight rate to _____ of _____ cents per 100 pounds.
Number Unused Transit Stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 22 of the Uniform Grain Storage Agreement.

_____
Date of Signature

_____
Warehouseman's Signature

_____
Address

(2) Separate schedules of loan rates will be issued for the States and counties hereinafter set forth:

All counties in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, Tennessee, and Arizona;

In New Mexico, the counties of Bernalillo, Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Luna, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, and Valencia;

In Colorado, the counties of Alamosa, Archuleta, Chaffee, Conejos, Costilla, Delta, Dolores, Eagle, Garfield, Grand, Gunnison, Hinsdale, Jackson, Lake, LaPlata, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Summit.

The loan rate of eligible wheat stored in approved warehouses in the foregoing area which was shipped by rail in the movement of natural market direction as approved by Commodity Credit Corporation, shall be determined by adding 3 cents per bushel to the county loan rate for the county from which the wheat is shipped and an amount equal to the transit value of the freight paid from point of origin to markets designated by Commodity Credit Corporation, plus freight tax on the transit value from point of origin to the warehouse, except that eligible wheat originating in Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, or West Virginia, and stored in Cairo, Illinois; Evansville, Indiana; Louisville, Kentucky; Cincinnati, Ohio; Baltimore, Maryland; or Philadelphia, Pennsylvania shall receive the loan rate shown in these instructions: *Provided, however,* That the loan rate on wheat originating in the counties of Cecil, Kent, Queen Annes, Carolina, Talbot, Dorchester, Wicomico, Somerset, and Worcester in Maryland; all counties in Delaware; and Accomac and Northampton Counties in Virginia, which is shipped to Norfolk, Virginia and stored in the Norfolk terminal elevator of the Norfolk and Western Railroad, shall be the loan rate for the county from which the wheat is shipped, plus the amount of freight per bushel paid, plus 4 cents per bushel. Lending agencies and county committees are advised that in each instance such transit value must be verified by the Regional Director of the Commodity Credit Corporation serving that area. In such cases, the loan documents must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 251.3 (a) above. If eligible loan wheat is stored in approved warehouses located at transit points, taking a penalty by reason of back haul, or out-of-line of natural market movement, such penalty or other costs by reason of such movement, as determined by Commodity Credit Corporation, shall be deducted from loan rates as determined above.

In such cases the warehouse receipts in addition to the required documents as set forth in C. C. C .Wheat Form 1, must be accompanied by the original or duplicate original paid freight bills, or certificates of the warehouseman as to such paid freight bills as indicated above.

§ 251.4 *Protein premium.* A premium shall be added to the loan rate of the subclasses of hard red spring and hard red winter, and of the subclass hard white wheat. Mixed wheat, regardless of the classes of wheat contained in the mixture, will not be eligible for protein premium. Protein premium will be added to the loan rate of farm-stored wheat only where the producer presents a protein certificate issued by a laboratory satisfactory to Commodity Credit Corporation. If the wheat is stored in approved warehouses, the producer must present a protein certificate attached to the warehouse receipt, or present a warehouse receipt or warehouseman's supplemental certificate with protein content indicated thereon.

Schedule of protein premiums follows:

SCHEDULE OF PROTEIN PREMIUMS

Protein content (percent)	Minneapolis, St. Paul, Duluth, Minnesota; Milwaukee, Superior, Wis.; Kansas City, St. Joseph, Mo.; Kansas City, Kans.; Omaha, Nebr.; Council Bluffs, Iowa; Chicago, East St. Louis, Ill.; St. Louis, Mo.; Galveston, Houston, Tex.; New Orleans, La.; Philadelphia, Pa.; Baltimore, Md.; Albany, N. Y.		Portland, Oreg.; Seattle, Vancouver, Longview, Tacoma, Wash.; San Francisco, Los Angeles, Stockton, Oakland, Calif.	
	Hard red spring	Hard red winter, hard white wheat	Hard red spring	Hard red winter, hard white wheat
	Cents per bu.	*Cents per bu.*	*Cents per bu.*	*Cents per bu.*
10.0–10.9	0	0	1	1
11.0–11.9	0	0	2	2
12.0–12.9	0	0	3	3
13.0–13.9	1	1	4	4
14.0–14.4	2	1½	5	4½
14.5–14.9	3	2	6	5
15.0–15.4	4	2½	7	5½
15.5–15.9	5	3	8	6
16.0–16.4	6	3½	9	6½
16.5–16.9	7	4	10	7
17.0–17.4	8	4½	11	7½
Over 17.4	(1)	(2)	(1)	(2)

[1] 1 for each ½ percent of protein over 17.4 percent.
[2] One-half for each ½ percent of protein over 17.4 percent.

§ 251.5 *Variations for grades.* Loan rates for eligible grades and subclasses shall be at the following schedule of discounts and premiums:

(a) *Discounts.*

	No. 1 dark northern spring, No. 1 northern spring, No. 1 red spring	No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 hard white, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard amber durum, No. 1 amber durum, No. 1 durum, No. 1 amber mixed durum, No. 1 mixed durum, No. 1 red durum, No. 1 mixed wheat
	Cents per bushel	*Cents per bushel*
No. 2	½	1
No. 3	1½	2
No. 4	2½	3
No. 5	4	4½
Smut-degree basis:		
Light smutty	1	1
Smutty	3	3
Smut-percentage basis:		
½ of 1%	1	1
1% or over	3	3
Light garlicky	1	1
Garlicky	3	3

§ 251.6 *Determination of dockage, smut, and garlic.* The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States and the weight of said dockage shall be deducted from the gross weight of the wheat in determining the net quantity available for loan.

In the States of California, Idaho, Oregon, Utah, and Washington, the quantity of smut shall be stated in percentage in accordance with the method set out in paragraph (a) under "smutty wheat" in the Handbook of Official Grain Standards of the United States, Revised, 1941, and shall be stated in terms of half percent, whole percent, or whole and half percent, and the quantity of smut so determined in pounds shall be deducted from the weight of the wheat after deduction of dockage. Elsewhere the smut condition of the wheat shall be determined on a degree basis in accordance with paragraph (b) under "smutty wheat," Official Grain Standards of the United States. Where applicable, the words "light smutty" or "smutty" shall be added to, and made a part of, the grade designation.

The garlic condition of wheat shall be determined in accordance with the Official Grain Standards of the United States, and such condition shall be made a part of the grade designation by addition of the words "light garlicky" or the word "garlicky" as determined under such standards.

§ 251.7 *Determination of quantity of wheat.* Loans shall be made at values expressed in cents per bushel. A bushel will be 60 pounds of wheat free of dockage, when determined by weight, or 1.25 cubic feet of wheat testing 60 pounds per bushel when determined by measurement. A deduction of three-quarters of a pound for each sack will be made in determining the net quantity of the collateral when stored as sacked grain. In determining the quantity of wheat in farm storage by measurement, fractional pounds of the test weight per bushel will be disregarded, and the quantity determined as above will be the following percentages of the quantity determined for 60-pound wheat:

For wheat testing	*Percent*
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87

For wheat testing	*Percent*
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83

§ 251.8 *Farm storage.* Wheat stored on the farm must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by State committees and Regional Directors of the Agricultural Adjustment Agency. Chattel mortgages covering farm-stored wheat must be executed and filed in accordance with the applicable State law.

Where the borrower is a tenant, the expiration date of the lease shall be given in section 1 (e) of the chattel mortgage. If the expiration date of the lease is prior to June 30, 1945, the borrower must secure from the owner and other interested parties consent that the collateral may remain in the described storage structure until June 30, 1945, without any charge to the Commodity Credit Corporation other than that agreed to be paid to the borrower for storing the collateral. The consent agreement is set forth in the chattel mortgage. Each producer must designate in section 1 (b) of the chattel mortgage a shipping point reasonably convenient for the delivery of the wheat as determined by the county committee. A separate note and chattel mortgage must be submitted for wheat stored on each quarter section of land.

The Commodity Credit Corporation will accept delivery of all the producer's wheat in the bin or bins in which all or a portion of the grain therein is under loan. The producer will be given credit for the number of bushels so delivered at the loan rate applicable to the grade and class of wheat delivered. If no loan rate has been established for the grade of wheat delivered, the actual delivery value will be furnished by the Regional Director of Commodity Credit Corporation serving the area.

§ 251.9 *Storage allowance.* A storage allowance of 7 cents per bushel shall be advanced at the time any farm-stored loan is made on the number of bushels placed under loan. A storage payment of 7 cents per bushel shall be earned by the producer (a) if the wheat is delivered to the Commodity Credit Corporation on or after April 30, 1945, or (b) if, pursuant to demand by the Corporation for the repayment of the loan, the wheat is delivered to the Commodity Credit Corporation prior to April 30, 1945, provided such demand for repayment was not due to any fraudulent representation on the part of the producer or the fact that the wheat was damaged, threatened with damage, abandoned, or otherwise impaired. If delivery is made prior to April 30, 1945, with the consent or approval of the Commodity Credit Corporation, a storage payment will be earned in accordance with the terms of the mortgage supplement. Earned storage shall be computed after delivery has been completed and any storage advance not earned shall be repaid to the Corporation. A storage payment cannot be earned on a greater number of bushels than is specified in the chattel mortgage. Any deficiencies due the Corporation will be deducted from any credits which may be due the producer from the Corporation.

§ 251.10 *Public warehouses.* Commodity Credit Corporation will accept only insured negotiable warehouse receipts representing eligible wheat issued by public grain warehouses which have executed the Uniform Grain Storage Agreement and have been approved by Commodity Credit Corporation. Warehousemen desiring approval are advised to communicate with the Regional Director of the Commodity Credit Corporation serving the area in which the warehouse is located. A list of approved warehouses will be furnished State or county agricultural conservation committees by Regional Directors. Uniform storage and handling charges and terms of the storage agreement are outlined in the Uniform Grain Storage Agreement. Warehousemen shall not have outstanding at any time warehouse receipts in excess of the normal working or licensed capacity of the warehouse. All wheat pledged as security for a loan on C. C. C. Grain Form B must be stored in the same warehouse.

§ 251.11 *Warehouse receipts.* Warehouse receipts must be issued in the name of the producer, dated on or prior to the date of the related note, properly endorsed in blank so as to vest title in the holder, issued by approved warehousemen, and must comply with the following provisions:

(a) Each warehouse receipt should set forth in its written terms that the wheat is insured for not less than market value against the hazards of fire, lightning, inherent explosion and windstorm, cyclone, and tornado, or in lieu of this statement it must have stamped or printed thereon the word "Insured."

(b) The wheat represented by each warehouse receipt must be free of all liens for charges prior to unloading in or delivery to the warehouse. Liens for storage charges will be recognized by Commodity Credit Corporation only from May 15, 1944, or the dates of the warehouse receipts, whichever is later.

(c) The warehouse receipt must set forth in the written or printed terms the gross weight or bushels, grade and subclass, and such other information as is required by the Uniform Warehouse Receipts Act.

(d) Each warehouse receipt, or the warehouseman's supplemental certificate, in duplicate, properly identified to the warehouse receipt, must show the test weight, protein content (if determined by protein analysis), degree or percentage of smut or garlic and dockage, and must also show the moisture content except in the States of California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. (In those areas where moisture content is required, but it is not customary for country warehousemen to determine the exact moisture percentage, a warehouse receipt representing wheat stored in a country warehouse will be accepted if the moisture content is not shown, provided the grade of wheat does not show the word "tough." In such cases, the warehouseman will be responsible to deliver wheat not grading "tough" or "sample" due to moisture content.)

(e) In the case of warehouse receipts issued for wheat delivered by rail or barge, Commodity Credit Corporation will accept inbound weight and inspection certificates and protein certificates properly identified to the wheat covered thereby in lieu of the information required by paragraph (d) above. In the States of California, Idaho, Nevada, Oregon, Utah, Washington, and in other areas where licensed inspectors are not available at terminal and subterminal warehouses, Commodity Credit Corporation will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors. The official inbound weight and inspection certificates must represent wheat unloaded in the warehouse issuing said receipt.

(f) In the case of warehouse receipts issued for wheat delivered by rail or barge, the protein content, as determined by a recognized protein testing laboratory, must be shown on each warehouse receipt (or supplemental certificate accompanying the warehouse receipt) representing wheat of the subclasses of hard red spring and hard red winter and of the subclass hard white wheat, except that protein content need not be shown for the subclasses hard winter and yellow hard winter produced in States or areas tributary to markets where protein content is not customarily required.

§ 251.12 *Liens.* The wheat collateral must be free and clear of all liens, or if liens exist on the collateral, proper waivers must be secured from each lienholder.

§ 251.13 *Insurance*—(a) *Wheat stored on farms.* Commodity Credit Corporation will not require producers to insure their 1944 farm-stored wheat placed under loan. In case of a total loss of collateral resulting from an external cause, with the exception of a loss caused by conversion, negligence, or vermin, the Commodity Credit Corporation will mark the note "paid" and return it to the borrower. In case of a partial loss of collateral resulting from an external cause, with the exception of a loss caused by conversion, negligence, or vermin, the note will be credited at the loan value, plus interest for the number of bushels on which the loss occurred. Where either total or partial loss occurs and such loss is assumed by Commodity Credit Corporation, no repayment of any storage advance will be required of the borrower even though the loss took place prior to April 30, 1945. No loss will be assumed if it is determined that there is fraudulent representation on the part of the borrower in connection with the loan.

(b) *Wheat stored in approved warehouses.* Warehousemen shall provide insurance against the perils of fire, lightning, inherent explosion, and windstorm, cyclone, and tornado, for the full market value of wheat stored in their warehouses, as long as receipts are outstanding.

§ 251.14 *Maturity and interest rate.* Notes secured by wheat stored in public warehouses or on farms shall mature on demand but not later than April 30, 1945.

All loans will bear interest at the rate of 3 percent per annum.

§ 251.15 *Purchase of loan.* Commodity Credit Corporation will purchase, without recourse, eligible paper only from approved lending agencies in accordance with the terms of the Contract to Purchase (1940 C. C. C. Form E). Paper held by lending agencies must be submitted to the regional director serving the area in which the wheat is stored. Lending agencies should report weekly on 1940 C. C. C. Form F all payments or collections on producers' notes. An amount equivalent to 1½ percent interest per annum on the principal amount collected must be submitted with such weekly reports.

§ 251.16 *Offices of the Regional Directors of Commodity Credit Corporation.* The offices of the regional directors previously referred to herein and the areas served by them under these instructions are shown below:

Address of Regional Director	*Area*
208 South La Salle St., Chicago 4, Ill	Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia.
Dwight Bldg., 1004 Baltimore Ave., Kansas City 13, Mo.	Alabama, Arkansas, Colorado, Georgia, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.
McKnight Bldg., Minneapolis 1, Minn	Minnesota, Montana, North Dakota, South Dakota, Wisconsin.
304 Artisans Bldg., Portland 5, Oreg	Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

§ 251.17 *County agricultural conservation committee.* Forms may be obtained from county agricultural conservation committees in the areas where farm storage is available, or from the office of the regional director of Commodity Credit Corporation serving the area. State and county agricultural conservation committees will determine, or cause to be determined, the quantity and grade of the wheat collateral and the amount of the loan. All loan documents will be completed and approved by the county committee, who will retain copies of all documents: *Provided, however,* That the county committee may formally designate certain employees of the county association to execute such forms on behalf of the committee. In order to meet the cost of the local expenses, county agricultural conservation associations will collect a service fee for all loans.

§ 251.18 *Release of collateral.* A producer may obtain release of the collateral by paying to the lending agency or Commodity Credit Corporation, whichever holds the note, the principal amount of the note, plus interest. If the note is held by an out-of-town lending agency or Commodity Credit Corporation, the producer may request that the note be forwarded to a local bank for collection. In such case, the local bank should be instructed to return the note to the sender if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm storage wheat loan, the county agricultural conservation committee should be requested to release the mortgage by filing an instrument of release or by a margin release on the county records. Partial releases of collateral may be arranged with the county agricultural conservation committee by paying to the holder of the note the amount of the loan, plus charges, storage advances (if the wheat is farm-stored), and accrued interest, on the wheat released. In the case of warehouse-stored wheat, each partial release must cover all the wheat under one warehouse receipt number.

Dated: May 18, 1944.

J. B. HUTSON,
President.

[F. R. Doc. 44-9454; Filed, June 28, 1944; 11:22 a. m.]

[1944 C.C.C. Rye Form I, Barley Form I, Grain Sorghums Form I—Instructions]

PART 253—1944 RYE, BARLEY, AND GRAIN SORGHUMS LOANS

1944 RYE, BARLEY, AND GRAIN SORGHUMS LOAN PROGRAM

Commodity Credit Corporation has authorized the making of loans and the purchase of eligible paper secured by 1944 rye, barley, or grain sorghums, stored on farms or in approved public grain warehouses.

Sec.
- 253.1 Grain.
- 253.2 Eligible producer.
- 253.3 Eligible grain.
- 253.4 Eligible storage.
- 253.5 Areas in which loans will be made.
- 253.6 Loan rates.
- 253.7 Determination of quantity of grain.
- 253.8 Farm storage.
- 253.9 Warehouse storage.
- 253.10 Warehouse receipts.
- 253.11 Liens.
- 253.12 Maturity and interest rate.
- 253.13 Lending agency.
- 253.14 Eligible paper.
- 253.15 Purchase of loans.
- 253.16 Insurance.
- 253.17 Offices of Commodity Credit Corporation.
- 253.18 County agricultural conservation committees.
- 253.19 Release of collateral.

AUTHORITY: §§ 253.1 to 253.19, inclusive, issued under sec. 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1302), and the act of February 28, 1944 (58 Stat. 124).

§ 253.1 *Grain.* For the purpose of these instructions, grain shall mean rye, barley, and grain sorghums.

§ 253.2 *Eligible producer.* Any person, partnership, association, or corporation producing rye, barley, or grain sorghums, in 1944.

§ 253.3 *Eligible grain*—(a) *Eligible rye.* Eligible rye shall be rye produced in 1944 grading U. S. No. 2 or better, or grading U. S. No. 3 solely on the factor of test weight, but otherwise grading No. 2 or better, the beneficial interest to which is and always has been in the eligible producer. Rye grading tough, light smutty, smutty, light garlicky, garlicky, weevily, or rye containing in excess of 1 percent of ergot, shall not be eligible for loan. Rye containing in excess of 0.3 percent, but not in excess of 1 percent of ergot, shall be eligible for loan at the discounts set out in § 253.6 (a) hereof.

(b) *Eligible barley.* Eligible barley shall be barley of any class grading No. 5 or better, the beneficial interest to which is and always has been in the eligible producer. Barley grading tough, stained, blighted, smutty, garlicky, weevily, ergotty, or bleached, shall not be eligible for a loan.

(c) *Eligible grain sorghums.* Eligible grain sorghums shall be grain sorghums grading No. 4 or better, the beneficial interest to which is and always has been in the eligible producer, except that grain sorghums grading weevily or smutty, or containing in excess of 13 percent moisture when stored on the farm, or in excess of 14 percent when stored in a warehouse, shall not be eligible for loan.

§ 253.4 *Eligible storage.* Eligible storage shall include farm storage structures meeting the requirements for safe storage as prescribed by the Agricultural Adjustment Agency, and public grain warehouses which meet the requirements of Commodity Credit Corporation and which have executed the Uniform Grain Storage Agreement. Such warehouses may be situated either at terminal, subterminal, or country points.

§ 253.5 *Areas in which loans will be made.* Loans will be made on eligible grain stored in approved public grain warehouses wherever located.

Loans are available on eligible grain stored on farms in the following areas:

All counties in the States of Arizona, California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, and in the following counties of the following States:

Oklahoma: Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Craig, Creek, Custer, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, McClain, Major, Mayes, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pottawatomie, Roger Mills, Rogers, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward.

Texas: Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Carson, Castro, Childress, Clay, Cochran, Collingsworth, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Gaines, Garza, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Howard,

Hutchinson, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Scurry, Sherman, Stonewall, Swisher, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Yoakum, and Young.

§ 253.6 *Loan rates.* The following loan rates apply to grain stored on the farm, or in approved grain warehouses, when evidence is submitted that handling and storage charges have been prepaid through the maturity date of the note. Evidence of prepaid storage must be a stamped or typed certification, signed by the warehouseman, on or attached to the warehouse receipt, which shall read as follows:

Handling and storage charges for the period ending April 30, 1945, in the case of rye or barley, and June 30, 1945, in the case of grain sorghums, on the grain represented by this warehouse receipt have been paid or otherwise provided for, and lien for such charges will not be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of this warehouse receipt.

Signed: _____
(Warehouseman)
_____
(Address)

7 cents per bushel will be deducted from the applicable loan rate for grain stored in warehouses for which evidence of prepaid storage is not submitted.

(a) *Rye.* The loan value for eligible rye grading No. 2 or better, or rye grading No. 3 solely on test weight, but otherwise grading No. 2 or better, shall be 75 cents per 56-pound bushel, except that the loan value for eligible rye containing in excess of 0.3 percent, but not in excess of 1 percent of ergot, shall be discounted 1 cent for each 0.1 percent of ergot in excess of 0.3 percent.

(b) *Barley.* The loan rate per 48-pound bushel for eligible barley in the States of Arizona, California, Washington, Oregon, and Idaho, except "mixed", shall be based for all classes on the numerical grades as determined under the Official Grain Standards of the United States, in accordance with the following:

	Cents per bu.
No. 1 Barley	90
No. 2 Barley	88
No. 3 Barley	85
No. 4 Barley	82
No. 5 Barley	75

The loan rate per 48-pound bushel in all other States for eligible barley, except "mixed", shall be based for all classes on the numerical grades as determined under the Official Grain Standards of the United States, in accordance with the following:

	Cents per bu.
No. 1 Barley	85
No. 2 Barley	83
No. 3 Barley	80
No. 4 Barley	77
No. 5 Barley	70

Loan rates for "mixed" barley shall be discounted 2 cents per bushel from the loan rates set forth above.

(c) *Grain sorghums.* The loan rates for grain sorghums grading No. 2 or better will be $1.00 per 56-pound bushel in Arizona and California, and 95 cents per 56-pound bushel in other States. A discount of 5 cents per bushel will be made for grain sorghums grading No. 3, and 15 cents for grain sorghums grading No. 4, below the applicable No. 2 price. Mixed grain sorghums shall be discounted 2 cents per bushel in all States.

§ 253.7 *Determination of quantity of grain.* Loans shall be made at values expressed in cents per bushel. A bushel shall be determined to be 48 pounds of barley and 56 pounds of rye or grain sorghums, free of dockage, when determined by weight, or 1.25 cubic feet of grain having test weight of 48 pounds for barley, or 56 pounds for rye or grain sorghums when determined by measurement. In determining the quantity of grain in farm storage by measurement, fractional pounds of the bushel test weight will be disregarded, and the quantity determined shall be adjusted by the following respective percentages:

(a) *Rye and grain sorghums.*

For rye or grain sorghums testing:	*Percent*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	93
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	87

(b) *Barley.*

For barley testing:	*Percent*
48 pounds or over	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 45 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83
39 pounds or over, but less than 40 pounds	81
38 pounds or over, but less than 39 pounds	79
37 pounds or over, but less than 38 pounds	77
36 pounds or over, but less than 37 pounds	75
35 pounds or over, but less than 36 pounds	73

§ 258.8 *Farm storage.* Grain stored on the farm must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, except as approved by State agricultural conservation committees. Chattel mortgages covering the grain must be executed and filed in accordance with the applicable State law.

§ 253.9 *Warehouse storage.* Commodity Credit Corporation will accept only insured negotiable warehouse receipts covering eligible grain pledged as collateral to notes on C. C. C. Grain Form B, issued by any public grain warehouse which has executed the Uniform Grain Storage Agreement as amended, and has been approved by Commodity Credit Corporation. Warehousemen desiring approval are advised to communicate with the Regional Director of Commodity Credit Corporation serving the area in which the warehouse is located, at which office a list of approved warehouses and their locations is available. A list of approved warehouses for the area may also be obtained at any State or county agricultural conservation office. All grain pledged as security for a loan must be stored in the same warehouse. Grain moved by rail freight to a warehouse will not command a higher loan value than grain stored on farms or in warehouses located at country points.

§ 253.10 *Warehouse receipts.* Warehouse receipts must be issued in the name of the producer, must be dated on or prior to the date of the related note, must be properly assigned by an endorsement in blank so as to vest title in the holder, and must be issued by an approved warehouseman. Unless the warehouse receipts are stamped or printed "insured" there must be attached and included in the certificate of the warehouseman a statement that the grain is insured for not less than the market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado. Commodity Credit Corporation will not accept warehouse receipts indicating any lien for charges prior to unloading in or delivery to the warehouse issuing such receipts. Lien for handling and storage charges, unless prepaid through maturity, will be recognized only from May 15, 1944, or the date of the warehouse receipt, whichever is later. Such receipts must set out in their written or printed terms the gross weight or bushels, the grade, test weight, and all other factors and statements required to be stated in the written or printed terms of negotiable warehouse receipts under the provisions of section 2 of the Uniform Warehouse Receipts Act, or be accompanied by a certificate of the warehouseman, identified to such warehouse receipt, setting out such information, and shall be based on the inbound movement or delivery of the grain to an approved warehouse. Warehouse receipts for No. 3 rye, to be eligible, must contain a statement that the rye grades No. 2 or better except for test weight.

§ 253.11 *Liens.* The grain collateral must be free and clear of all liens, or if liens exist on the collateral, proper waivers must be secured from each lienholder.

§ 253.12 *Maturity and interest rate.* Rye, barley, and grain sorghums loans will mature on demand but not later than April 30, 1945, in the case of rye and barley, and June 30, 1945, in the case of grain sorghums. All rye and barley loans must be dated on or prior to December 31, 1944, and grain sorghums loans must be dated on or prior to February 28, 1945. All loans will bear interest at the rate of 3 percent per annum.

§ 253.13 *Lending agency.* Any bank, cooperative marketing association, or other corporation, partnership, or person, making loans in accordance with these instructions, which has executed

the Contract to Purchase on 1940 C.C.C. Form E.

§ 253.14 *Eligible paper.* Eligible paper shall consist of notes of the producer, secured by chattel mortgages or warehouse receipts representing grain in existence and undamaged, executed in accordance with these instructions and approved by a member of the county agricultural conservation committee, with State documentary revenue stamps affixed thereto where required by law. Notes executed by an administrator, executor, or trustee, will be acceptable only where acceptable in law.

§ 253.15 *Purchase of loans.* Commodity Credit Corporation will purchase, without recourse, eligible paper, as defined above, only from lending agencies which have executed and delivered, to the regional office of Commodity Credit Corporation to which notes are submitted, Contract to Purchase, 1940 C. C. C. Form E, obtainable only from such offices. Notes held by lending agencies must be tendered to Commodity Credit Corporation for immediate or deferred purchase within 10 days of written request, or at least 10 days prior to maturity in the absence of written demand. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the face amount of such notes, plus accrued interest, from the respective dates to the date of payment of the purchase price, at the rate of 1½ percent per annum. Under the terms of the Contract to Purchase, lending agencies are required to report weekly, on 1940 C.C.C. Form F, all payments or collections on producers' notes held by them, and to remit, with such report, to Commodity Credit Corporation, an amount equivalent to 1½ percent interest per annum on the principal amount collected from the date of the note to the date of payment.

§ 253.16 *Insurance*—(a) *Grain stored on farms.* Commodity Credit Corporation will not require producers to insure their 1944 farm-stored grain placed under loan. In case of a total loss of collateral resulting from an external cause, with the exception of a loss caused by conversion, negligence, or vermin, the Commodity Credit Corporation will mark the note "paid" and return it to the borrower. In case of partial loss of collateral resulting from an external cause, with the exception of a loss caused by conversion, negligence, or vermin, the note will be credited at the loan value plus interest for the number of bushels on which the loss occurred. No loss will be assumed by the Corporation if it is determined that there is a fraudulent representation on the part of the borrower in connection with the loan.

(b) *Grain stored in approved warehouses.* Warehousemen shall provide insurance against the perils of fire, lightning, inherent explosion, and windstorm, cyclone, and tornado, for the full market value of grain stored in their warehouses as long as receipts are outstanding.

§ 253.17 *Offices of Commodity Credit Corporation.* The offices of the regional directors previously referred to herein and the areas served by them are:

Address of Regional Director	*Area*
208 South La Salle St., Chicago 4, Ill	Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia.
Dwight Bldg., 1004 Baltimore Ave., Kansas City 13, Mo.	Alabama, Arkansas, Colorado, Georgia, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.
McKnight Bldg., Minneapolis 1, Minn	Minnesota, Montana, North Dakota, South Dakota, Wisconsin.
304 Artisans Bldg., Portland 5, Oreg	Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

§ 253.18 *County agricultural conservation committees.* Forms may be obtained from county agricultural conservation committees in the areas designated in § 253.5 hereof, and copies for the purpose of information may be obtained from such committees, or from the office of the regional director serving the area, listed in § 235.17 hereof. All loan documents will be completed and approved by the county committee, who will retain copies of all documents. In order to meet the cost of local expenses, county agricultural conservation committees will collect a service fee for all loans.

§ 253.19 *Release of collateral.* A producer may obtain release of the collateral by paying to the lending agency or Commodity Credit Corporation, whichever holds the note, the principal amount of the note, plus interest. If the note is held by an out-of-town lending agency, or Commodity Credit Corporation, the producer may request that the note be forwarded to a local bank for collection. In such case, the local bank should be instructed to return the note to the sender if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of the farm storage loan, the county agricultural conservation committee should be requested to release the mortgage by filing an instrument of release with the county recorder, or by a margin release on the county recorder's records. Producers may obtain partial releases of collateral by paying to the holder of the note the loan value and accrued interest for the grain released. In the case of warehouse-stored grain, each partial release must cover all the grain under one warehouse receipt.

Dated: May 15, 1944.

C. C. FARRINGTON,
Acting President.

[F. R. Doc. 44-9455; Filed, June 28, 1944; 11:22 a. m.]

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[WFO 104]

PART 1202—FARM MACHINERY AND EQUIPMENT

DISTRIBUTION OF NEW METAL MILK CANS AND COVERS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of new metal milk cans for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Sec.

1202.376 Manufacturers' transfer of 20-, 32- and 40-quart milk cans.
1202.377 Manufacturers' transfer of milk cans of less than 20-quart capacity.
1202.378 Transfers of milk cans for use in handling milk or milk products in the continental United States.
1202.379 Transfers of milk cans for uses other than in handling milk or milk products.
1202.380 Transfers of milk cans to a Federal agency.
1202.381 Transfers of milk cans for shipment outside the continental United States.
1202.382 Transfers of milk cans within Alaska, Hawaii, Puerto Rico and the Virgin Islands.
1202.383 Manufacturers' reports.
1202.384 Definitions.
1202.385 Audits and inspections.
1202.386 Petition for relief from hardship.
1202.387 Violations.
1202.388 Delegation of authority.
1202.389 Supplementary Order No. 3 to War Food Order No. 14 superseded.
1202.390 Communications.
1202.391 Effective date.

AUTHORITY: §§ 1202.376 to 1202.391, inclusive, issued under 54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 9322, 9334, 9392; 7 F.R. 10179, 8 F.R. 3807, 5423, 14783.

§ 1202.376 *Manufacturers' transfer of 20-, 32- and 40-quart milk cans.* (a) Each manufacturer may transfer not in excess of the following percentages of his scheduled production of 20-, 32- and 40-quart milk cans during the designated calendar quarters, and the remainder of such production shall constitute a reserve:

Calendar quarter commencing—	Authorized for transfer	Reserve
	Percent	*Percent*
July 1, 1944	85	15
Oct. 1, 1944	85	15
Jan. 1, 1945	70	30
Apr. 1, 1945	70	30

(The percentages of scheduled production of milk cans here authorized to be transferred relate to the total scheduled production of milk cans of all three capacities mentioned, and not to each separately.) In making the transfer of milk cans authorized by this paragraph, during any of the calendar quarters mentioned, no manufacturer shall transfer into any State a percentage of such milk cans greater than the percentage which his total transfers of milk cans into such State in 1941, 1942 and 1943 was of his total transfers during those years into all States. However, if a manufacturer is unable during any calendar quarter to transfer into any State the full number of milk cans permitted by this paragraph, such manufacturer may transfer the remainder into such State during any subsequent calendar quarter in addition to other permitted transfers. For the purposes of this paragraph, when a manufacturer transfers milk cans to a distributor or other person who operates in more than one State, such transfer will be considered as having been made into the State in which the office (home or branch office) of the distributor or other person placing the order is located.

(b) (1) The Director is hereby authorized to direct the transfer of the reserve established by paragraph (a) of this section. In so doing, the Director may direct the transfer of a manufacturer's current production at any given time, or he may direct the transfer of the reserve from the inventory of such equipment.

(2) Any person in the continental United States, who wishes to make a transfer or accept a transfer of milk cans from a manufacturer's reserve for the purpose of handling milk or milk products may apply to the Director. Such application shall be in writing and shall be filed with the State AAA Committee for the State in which the milk cans will be principally used, and such State AAA Committee shall promptly transmit such application to the Director, together with its recommendation. If the milk cans will be principally used in the District of Columbia, the application shall be filed with the State AAA Committee for Maryland.

(3) If, by the fifteenth day before the end of any calendar quarter, the Director has not directed or prohibited the transfer of part or all of a manufacturer's reserve, such manufacturer may transfer his undirected reserve either (i) in the same manner provided in paragraph (a) of this section, or (ii) in accordance with a distribution plan submitted to the Director, unless the Director disapproves such plan and written notice of such disapproval is given to such manufacturer within seven working days after delivery of such distribution plan to the Director. The mailing of such distribution plan to the Director by registered mail shall constitute delivery of the plan under this paragraph.

§ 1202.377 *Manufacturers' transfer of milk cans of less than 20-quart capacity.* Subject to the provisions of §§ 1202.379, 1202.380 and 1202.381, a manufacturer may transfer 100 percent of his production of milk cans of less than 20-quart capacity, and such transfer may be made without regard to any previous distribution by States.

§ 1202.378 *Transfers of milk cans for use in handling milk or milk products in the continental United States.* Subject to the provisions of § 1202.376, any person, other than a Federal agency, may make a transfer or accept a transfer of milk cans for use in handling milk or milk products in the continental United States without further authorization. (Purchase certificates are no longer required.)

§ 1202.379 *Transfers of milk cans for uses other than in handling milk or milk products.* No person shall make a transfer or accept a transfer of milk cans of any capacity for use other than for handling milk or milk products, except pursuant to a written authorization from the Director.

§ 1202.380 *Transfers of milk cans to a Federal agency.* No Federal agency shall accept a transfer of milk cans of any capacity, except pursuant to a written authorization from the Director.

§ 1202.381 *Transfers of milk cans for shipment outside the continental United States.* No person shall make a transfer or accept a transfer of milk cans of any capacity for shipment, nor shall any person ship milk cans of any capacity, outside the continental United States, except pursuant to a written authorization from the Director.

§ 1202.382 *Transfers of milk cans within Alaska, Hawaii, Puerto Rico and the Virgin Islands.* The Director is authorized to exercise such control over the transfer of milk cans for use in handling milk or milk products in Alaska, Hawaii, Puerto Rico and the Virgin Islands as he shall deem necessary. In the absence of the exercise of this authority by the Director, the transfer of milk cans within Alaska, Hawaii, Puerto Rico and the Virgin Islands to any person, other than a Federal agency, for use in handling milk or milk products shall be made without further authorization. Transfers of milk cans for other uses and to Federal agencies are subject to the provisions of §§ 1202.379 and 1202.380.

§ 1202.383 *Manufacturers' reports.* Each manufacturer of milk cans shall, within 10 days after the commencement of any calendar quarter, furnish the Director with a report on Form HR–124 with respect to transfers of milk cans of 20-, 32- and 40-quart capacity made during the preceding calendar quarter. In making this report, however, the capacity of the milk cans should not be distinguished.

§ 1202.384 *Definitions.* For the purposes of this order:

(a) "Milk can" means a steel container, suitable for use in connection with the transportation in bulk of fluid milk and fluid milk products, which possesses the following characteristics:

(1) A substantially cylindrical shape;

(2) A coating of tin or a substitute sanitary coating;

(3) A "necked-in" top so that the opening is smaller than any part of the body cylinder.

As here used, "milk can" means only a new milk can, and includes a can and cover transferred together and a can transferred apart from a cover, but it does not include a cover transferred apart from a can.

(b) "State" means any of the forty-eight States or the District of Columbia.

(c) "Continental United States" means the forty-eight States and the District of Columbia.

(d) "Transfer" means any actual or purported act or transaction, whether or not evidenced by writing, the purpose, intent, or effect of which is to create, surrender, release, change, or alter, directly or indirectly, any right, title, interest or possession with respect to any milk cans. The use of milk cans by any person, who manufactures or deals in milk cans, shall be deemed a transfer. Notwithstanding the foregoing, the delivery of milk cans to a carrier for shipment or the delivery of milk cans by a carrier to a consignee shall not be deemed to be a transfer within the meaning of this order.

(e) "State AAA Committee" means the State Agricultural Conservation Committee of the Agricultural Adjustment Agency of each State.

(f) "Person" means any individual, partnership, corporation, association, business trust or any organized group of persons whether incorporated or not. The term "person" shall also include the United States or any agency thereof, and a State or any political subdivision or agency thereof.

(g) "Director" means the Director of the Office of Materials and Facilities of the War Food Administration.

§ 1202.385 *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of milk cans, of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

§ 1202.386 *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

§ 1202.387 *Violations.* In accordance with the applicable procedure, any person who violates any provision of this order may be prohibited from receiving, making any deliveries of, or using milk cans. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

§ 1202.388 *Delegation of authority.* The administration of this order and the powers vested in the War Food Admin-

istrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

§ 1202.389 *Supplementary Order No. 3 to War Food Order No. 14 superseded.* Supplementary Order No. 3 [1] to War Food Order No. 14 [2] is hereby superseded: *Provided*, That said Supplementary Order No. 3 to War Food Order No. 14 shall remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution or administrative or other proceeding, heretofore or hereafter commenced with respect to any violation committed or right or liability accruing under or pursuant to the terms of said order.

§ 1202.390 *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director, Office of Materials and Facilities, War Food Administration, Washington 25, D. C., Ref: WFO.

§ 1202.391 *Effective date.* This order shall become effective July 1, 1944.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of June 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-9511; Filed, June 29, 1944; 11:16 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[WFO 85, Termination]

PART 1405—FRUITS AND VEGETABLES

GRAPEFRUIT GROWN IN CAMERON, HIDALGO, OR WILLACY COUNTIES, TEX.

War Food Order No. 85 (8 F.R. 14071; 9 F.R. 4321, 4319) is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., June 27, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 85, prior to the effective time hereof, all provisions of such order in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper action, suit, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 26th day of June 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-9380; Filed, June 27, 1944; 12:31 p. m.]

[1] 9 F. R. 775.
[2] 8 F. R. 17456, 9 F. R. 4319.

[WFO 18-3, Amdt. 5]

PART 1415—IMPORTED FOODS

TEA QUOTAS, PACKING RESTRICTIONS, REPORTS, AND RECORDS FOR PACKERS AND WHOLESALERS

War Food Order No. 18-3, 9 F.R. 4321, 4319 (formerly designated as Director Food Distribution Order No. 18-3, as issued by the Acting Director of Food Distribution, on June 17, 1943, and as amended, 8 F.R. 16313) is further amended to read as follows:

§ 1415.6 *Tea quotas, packing restrictions, reports, and records*—(a) *Definitions.* (1) "Packer" means any person who delivers tea packed by him or tea packed for his account by some other person, to the extent of the deliveries of such tea made by him.

(2) "Wholesale receiver" means any person (regardless of whether he is also a packer) who accepts deliveries of tea in bulk form or tea packed by, or for the account of, some other person, to the extent that he resells such tea (i) exclusively or predominantly at wholesale; or (ii) through four or more centrally owned, affiliated, or independent retail stores owned or, for purchasing purposes, represented by him; or (iii) at retail or for any other purpose not specified above if, during the calendar year 1941 or the portion of such calendar year during which he was engaged in the business of purchasing tea, his monthly purchases of such tea averaged 200 pounds or more.

(3) "Net deliveries" means (i) with respect to a packer, the total number of pounds of tea delivered by a packer which was packed by, or for the account of, such packer, but shall not include deliveries of such tea made by the respective packer to governmental agencies pursuant to (c) (1) hereof; (ii) with respect to a wholesale receiver, the total number of pounds of bulk tea and tea packed by, or for the account of, some other person delivered by the wholesale receiver, minus the total of all deliveries of such tea made to governmental agencies pursuant to (c) (1) hereof.

(4) "Quota period" means the quarter-annual period commencing January 1, April 1, July 1, or October 1, of each year.

(5) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(6) "Governmental agency" means (i) the Armed Services of the United States (for the purposes of this order, including, but not restricted to, the United States Army Post Exchanges, sales commissaries, United States Navy ships' service departments, and the United States Marine Corps post exchanges); (ii) the War Food Administration (including, but not restricted to, any corporate agency thereof); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any person who, pursuant to a war food order, is entitled to purchase tea subject to this order.

(7) "Armed Services of the United States" means the Army, Navy, Marine Corps, and Coast Guard of the United States.

(b) *Tea quotas.* (1) During each quota period commencing on January 1, of each year, no packer shall deliver a total quantity of tea which was packed by him or for his account which is in excess of 75% of the amount of his net deliveries of such tea during the corresponding quarterly period of the calendar year 1941 or 1942, whichever amount is the greater.

(2) During each quota period of each year, other than the quota period commencing January 1, no packer shall deliver a total quantity of tea which was packed by him or for his account which is in excess of 75% of the total amount of his net deliveries of such tea during the corresponding quarterly period of the calendar year 1941.

(3) During the quota period commencing January 1 of each year, no wholesale receiver shall accept delivery of a total quantity of tea in bulk form and tea packed by, or for the account of, some other person which is in excess of 75% of his net deliveries of such tea during the corresponding quarterly period of the calendar year 1941 or 1942, whichever amount is the greater.

(4) During each quota period, other than the quota period commencing on January 1 of each year, no wholesale receiver shall accept delivery of a total quantity of tea in bulk form and tea packed by or for the account of some other person which is in excess of 75% of his net deliveries of such tea during the corresponding quarterly period of the calendar year 1941.

(5) Any person may carry over the unused portion of his quota established pursuant to (b) (1), (2), (3), and (4) for any quota period, and utilize said unused portion in the subsequent quota period.

(6) Any packer who delivers a substantial portion of his quota of tea directly to consumers or to retailers may, by letter, submit to the Director a plan to transfer the distribution of all or a part of that portion to wholesale receivers. Such a plan must contemplate a substantial conservation of automotive and related equipment and material and also contain provision for equitable distribution of the transferred volume among such wholesale receivers and an equitable redistribution of that volume within the areas previously served directly by the packer. If such a plan is authorized by the Director, the packer may deliver to wholesale receivers, and such wholesale receivers may accept, without charge to their quotas, the volume of tea authorized for transfer: *Provided*, That delivery of such tea is accompanied by a dated certification by the packer in substantially the following language (with the appropriate information inserted in the blank spaces):

Pursuant to authorization issued to the undersigned by the Director of Distribution, War Food Administration, you may accept the tea delivered hereunder, without charge to your quota as a wholesale receiver.
Name of packer company _____
_____
By _____ Title _____

(7) Any person who directly or indirectly serves any county or other area designated in Schedule D, § 1407.244, of Ration Order 3 of the Office of Price Administration, as amended (7 F.R. 6937, 9 F.R. 1433), and (i) who computes his quota for any quota period commencing on January 1 upon the basis of the specified 1941 base period, as provided in (b) (1) or (3) hereof, and not the 1942 base period, or (ii) who is entitled to a quota pursuant to the provisions of (b) (2) or (4) hereof, is hereby assigned a supplementary quota for each such quota period. Such supplementary quota, which shall be available only for ultimate distribution in the respective increased-population area referred to in said Schedule D, shall be computed by determining the amount of his quota under the provisions hereof, by determining the portion of that amount allocable to deliveries to or for each such area, and by applying to that portion the percentage of population increase designated in said Schedule D of Ration Order 3, for the respective area. Such supplementary quota shall be computed on the basis of the provisions of said Schedule D which are in effect on the first day of the quota period during which the supplementary quota is used.

(8) The quotas prescribed hereunder shall be calculated quantitatively in terms of pounds.

(c) *Quota-exempt deliveries and acceptances.* (1) Notwithstanding any restriction contained in this order any packer may, without charge to his quota, deliver tea to or for a governmental agency and any wholesale receiver may, without charge to his quota, accept delivery of tea to replace tea delivered to or for a governmental agency.

(2) No wholesale receiver shall accept delivery of tea to replace tea delivered to or for a governmental agency pursuant to (c) (1) hereof and no packer shall deliver tea free of any quota restrictions to any such wholesale receiver pursuant to (c) (1) hereof unless such wholesale receiver furnishes to the packer a written certification in duplicate for each delivery made by the wholesale receiver to a governmental agency. Such certification shall indicate the name of the governmental agency to which the wholesale receiver has delivered tea free of quota restrictions, the date upon which such delivery was made to such governmental agency, and the quantity of tea so delivered to such governmental agency. The packer to whom such certification has been furnished as aforesaid shall retain the original of such certification until the termination of this order.

(d) *Packer's acceptances.* No packer shall, during any quota period, accept delivery of a total quantity of tea in bulk form which is in excess of his delivery quota for such quota period plus the quantity, if any, by which his delivery quota for the immediately preceding quota period exceeded the total quantity of tea in bulk form accepted by him during such immediately preceding quota period.

(e) *Restrictions on packaging.* (1) No packer shall pack tea intended for sale at retail in packages of more than 4 sizes and such sizes shall contain either 16 ounces, 8 ounces, 4 ounces, or 1⅜ ounces net weight.

(2) No packer shall pack tea bags or tea balls intended for sale at retail except at the rate of 200 bags or balls per net pound of tea; and no packer shall pack tea bags or tea balls intended for sale at retail in more than 3 sizes, and such sizes shall contain either 48 bags, 16 bags, or 8 bags each.

(3) No packer shall pack tea bags or tea balls for, or sell tea bags or tea balls to, any hotel, club, restaurant, cafe, cafeteria, caterer, inn, railroad diner, lunch room, sandwich stand, or any public eating place in sizes other than the following: (i) for individual service, at the rate of either 200 or 250 bags or balls per net pound of tea and in containers of only 100 bags each; or (ii) for iced tea service, each tea bag shall contain only one ounce of tea, and such tea bags which are packed in containers shall be so packed only in multiples of 16.

(f) *Applicability of order.* Any person doing business in one or more of the 48 States or the District of Columbia is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any Territory or possession of the United States with respect to such business.

(g) *Reports.* Each packer shall correctly complete form FDO 18–1 for each quarterly period and submit such completed form to the Director within 15 calendar days after termination of the quota period for which such form is submitted. Every packer and every wholesale receiver participating in any transaction to which this order applies shall maintain records which, upon examination, will disclose his total quarter-annual inventories of tea and the total quarter-annual deliveries made by him (if he is a packer) or accepted by him (if he is a wholesale receiver). If the sales slips, invoices, bills or other instruments or records customarily kept by him are sufficient to furnish the information specified herein, no additional record system need be installed to meet the requirements hereof. All documents and records heretofore or hereafter required to be kept by packers and wholesale receivers pursuant to the provisions of this order and now in the possession of packers and wholesale receivers shall be kept and preserved until the termination of this order.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate which action shall be final.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall unless instructions to the contrary are issued by the Director, be addressed to the Director of Distribution, War Food Administration, Washington 25, D. C., Ref. WFO–18.

(j) *Effective date.* The provisions hereof shall become effective at 12:01 a. m., e. w. t., July 1, 1944. With respect to violations of War Food Order No. 18–3, as heretofore amended, rights accrued or liabilities incurred prior to the effective time of this amendment, said War Food Order No. 18–3, as heretofore amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 18, 8 F.R. 1778, 9103, 9 F.R. 4321, 4319)

Issued this 26th day of June 1944.

LEE MARSHALL,
Director of Distribution.

[F. R. Doc. 44–9381; Filed, June 27, 1944; 12:31 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

PART 105—HEAD TAX

PART 116—CIVIL AIR NAVIGATION

STATUS OF ALIENS WHO ARE OCCUPATIONAL AIRMEN

JUNE 23, 1944.

The following changes are made in Title 8, Chapter I, Code of Federal Regulations:

The following notation is inserted after § 105.3:

CROSS REFERENCE: For status of alien airmen, see 8 CFR, Cum. Supp., 116.53.

Section 116.53 is amended by inserting after the first sentence the following:

An alien whose occupational status as airman is established shall be regarded, for the purposes of such laws and regulations, the same as an occupational alien seaman.

The following is added to the cross reference at the close of § 116.53:

For head tax, see 8 CFR, Cum. Supp., Part 105.

FRANCIS BIDDLE,
Attorney General.

Approval recommended:

EARL G. HARRISON,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 44–9479; Filed, June 28, 1944; 4:52 p. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter A—Property Improvement Loans

PART 501—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

Sec.

501.1 Citation.
501.2 Definitions.
501.3 Eligible notes.
501.4 Maximum amount of loans.
501.5 Financing charges.
501.6 Credits.
501.7 Eligible expenditures.
501.8 Disbursement of loan proceeds.
501.9 Refinancing.
501.10 Report of loans.
501.11 Claims.
501.12 Insurance reserve.
501.13 Insurance charge.
501.14 Administrative reports and examination.
501.15 Amendments.
501.16 Effective date.

AUTHORITY: §§ 501.1 to 501.16, inclusive, issued under 53 Stat. 804, 805, 55 Stat. 364, 365, 56 Stat. 305, 57 Stat. 571; 12 U.S.C. and Sup. 1703.

§ 501.1 *Citation.* The regulations in this part may be cited as referred to as "Regulations of the Federal Housing Commissioner Governing Property Improvement Loans effective July 1, 1944."

§ 501.2 *Definitions.* As used in this part the term:

(a) "Act" means the National Housing Act, as amended.

(b) "Administration" means the Federal Housing Administration.

(c) "Commissioner" means the Federal Housing Commissioner or his duly authorized representative.

(d) "Contract of Insurance" includes all of the provisions of this part and of the applicable provisions of the act.

(e) "Insured" means a financial institution holding a Contract of Insurance under Title I of the Act.

(f) "Loan" means an advance of funds or credit or the purchase of an obligation evidenced by a note.

(g) "Note" includes a note, bond, mortgage, or other evidence of indebtedness.

(h) "Payment" includes a deposit to an account or fund which represents the full or partial repayment of a loan.

(i) "Borrower" means one who applies for and receives a loan in reliance upon the provisions of the act and whose interest in the property to be improved is (1) a fee title, or (2) a life estate, or (3) an equitable interest under an instrument of trust or contract, or (4) a lease having a fixed term, expiring not less than six calendar months after the maturity of the loan.

(j) "Class 1 (a) loan" means a loan, other than a loan defined in paragraph (k) of this section as a "Class 1 (b) loan", which is for the purpose of financing the repair, alteration, or improvement of an existing structure or of the real property in connection therewith, exclusive of the building of new structures. The term "existing structure" means a completed building that has or had a distinctive functional use.

(k) "Class 1 (b) loan" means a loan which is (1) made for the purpose of financing the alteration, repair, improvement, or conversion of an existing structure located in an area or locality in which the President shall find that an acute shortage of housing exists or impends, which would impede national war activities and (2) is made for the purpose of providing additional living accommodations to which the borrower shall establish in a manner and upon forms prescribed by the Commissioner that occupancy priority will be given to war workers.

(l) "Class 2 (a) loan" means a loan which is for the purpose of financing the construction of a new structure which is to be used exclusively for other than residential or agricultural purposes.

(m) "Class 2 (b) loan" means a loan which is for the purpose of financing the construction of a new structure for use in whole or in part for agricultural purposes, exclusive of residential purposes.

(n) "Class 1 loan" includes both "Class 1 (a)" and "Class 1 (b)" loans as defined in paragraphs (j) and (k) of this section.

(o) "Class 2 loan" includes both "Class 2 (a)" and "Class 2 (b)" loans as defined in paragraphs (l) and (m) of this section.

§ 501.3 *Eligible notes*—(a) *Validity.* The note shall bear the genuine signature of the borrower as maker, shall be valid and enforceable in the jurisdiction in which it is issued, and shall be complete and regular on its face. If more than one borrower signed the note all such signatures must be genuine. If the note is executed for and on behalf of a corporation or in a representative capacity the note must create a binding obligation of the principal.

(b) *Acceleration clause.* The note shall contain a provision for acceleration of maturity, either automatic or at the option of the holder, in the event of default in the payment of any instalment upon the due date thereof.

(c) *Payments.* The note shall be payable in equal monthly, semi-monthly, or weekly instalments. The final instalment may be more or less than the other instalments provided that it is not less than one-half or more than one and one-half times the preceding instalment. A note may not provide for a first payment less than six days nor more than sixty-two days from the date of the note. However, if fifty-one percent or more of the income of the borrower is derived directly from the sale of agricultural crops, commodities, or livestock produced by him, a note may be made payable in instalments corresponding to income periods shown on the credit application. In such cases, the first payment must be made within twelve months of the date of the note and at least one payment shall be made in each twelve months thereafter, provided that no two payments shall be more than twelve months apart, and the proportion of total principal to be paid in later years shall not exceed the proportion of total principal payable in earlier years. In lieu of an instalment note payable in equal periodic instalments a loan may be evidenced by a series of notes provided each is of an equal amount as provided in this Section and that each note indicates on its face that it is one of a series signed by the same borrower.

(d) *Maturity*—(1) *Minimum.* The note shall not have a final maturity of less than six calendar months from the date of the note.

(2) *Maximum.*—The maximum permissible maturity of a note evidencing:

(i) A Class 1 (a) or a Class 2 (a) loan is three years and thirty-two days from the date of the note.

(ii) A Class 1 (b) loan is seven years and thirty-two days from the date of the note.

(iii) A Class 2 (b) loan is seven years and thirty-two days from the date of the note, except that if a Class 2 (b) loan is secured by a first mortgage, first deed of trust, or other security instrument constituting a first lien upon the improved property, the loan may have a final maturity not in excess of fifteen years and thirty-two days from the date of the note.

(iv) A combination of any of the above classes of loans shall be no greater than the maximum maturity governing that component part of the loan having the shortest maturity if made alone.

(e) *Late charges.* The note may provide for a late charge, not to exceed 5 cents for each $1.00 of each instalment more than fifteen days in arrears. No late charge on a past due instalment may be accrued in excess of $5.00. In lieu of late charges, notes may provide for interest on past due instalments at a rate not in excess of the contract rate in the jurisdiction in which the note is drawn. The borrower must be billed for the penalties collected as such, and evidence of such billing must be in the file if claim is made under the Contract of Insurance.

(f) *Deferred first payment.* Loans made on and after July 1, 1944 the proceeds of which are used exclusively for (1) the conversion of heating equipment to the use of any other fuel, the repair of heating equipment, or the replacement of heating equipment if it is worn out, damaged beyond repair, or destroyed, (2) the instalation of loose-fill, blanket, or batt-type insulation, or insulating board, within existing structures, (3) the instalation of storm doors, storm windows, or weather stripping, may provide for a first payment not later than November 1, 1944, unless a later first payment is permitted by paragraph (c) of this section.

§ 501.4 *Maximum amount of loans*—(a) *Class 1 (a) loan.* A Class 1 (a) loan shall not involve a principal amount, exclusive of financing charges to the borrower, in excess of $2,500.

(b) *Class 1 (b) loan.* A Class 1 (b) loan shall not involve a principal amount, exclusive of financing charges to the borrower, in excess of $5,000.

(c) *Class 2 loan.* A Class 2 loan shall not involve a principal amount exclusive of financing charges to the borrower, in excess of $3,000.

(d) *Maximum amount per property.* A Class 1 or a Class 2 loan shall not increase the principal amount outstanding at any time on all Class 1 or Class 2 loans made under Title I of the act after July 1, 1944 with respect to any one piece of property to an amount in excess of $5,000,

exclusive of financing charges to the borrower.

§ 501.5 *Financing charges*—(a) *Maximum charge.* The maximum permissible financing charges, exclusive of fees and charges as provided by paragraph (b) of this section, which may be paid by the borrower for interest, discount and fees of all kinds in connection with the transaction, shall be computed as follows:

(1) Class 1 loans having a principal amount not in excess of $2,500 shall not have a financing charge in excess of an amount equivalent to $5.00 discount per $100 original face amount of a one-year note, to be paid in equal monthly instalments calculated from the date of the note.

(2) Class 1 loans having a principal amount in excess of $2,500 shall not have a financing charge in excess of an amount equivalent to $4.00 discount per $100 original face amount of a one-year note, to be paid in equal monthly instalments calculated from the date of the note.

(3) Class 2 loans shall not have a financing charge in excess of an amount equivalent to $5.00 discount per $100 original face amount of a one-year note, to be paid in equal monthly instalments calculated from the date of the note, except that Class 2 (b) loans having a maturity in excess of seven years and thirty-two days shall not have a financing charge in excess of an amount equivalent to $3.50 discount per $100 original face amount of a one-year note, to be paid in equal monthly instalments calculated from the date of the note.

Such charges correctly based on tables of calculations issued by the Federal Housing Commissioner are deemed to comply with this section. An increase in the ration of the charge to the average amount outstanding on the debt over the maximum provided in this section, which increase results from the first payment falling due less than thirty days after the date of the note as provided in § 501.3 (c) shall not be deemed to be in conflict with this section.

(b) *Permissible additional charges.* If the insured takes security in the nature of a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien, or other security device for the purpose of securing the payment of eligible loans, the insured may collect from the borrower, in addition to the maximum permissible financing charge as provided in paragraph (a) of this section, the following expenses actually incurred by the insured in connection with the transaction:

Recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums, provided that such costs or expenses are not paid from the proceeds of the loan or included in the face amount of the note. Such costs or expenses shall not be included by the insured as a portion of a claim under the Contract of Insurance and if such costs or expenses are assessed against the borrower, proper evidence thereof should be in the file.

(c) *Partial disbursement of proceeds.* If the insured in purchasing a note takes the maximum charge permitted by this section, but employs a "holdback" and does not advance the entire proceeds of the note to the seller, it shall calculate its financing charge on the amount advanced and credit to the account of the seller the difference between the financing charge calculated on the face amount of the note and the financing charge calculated on the amount advanced.

(d) *Application of lump sum payments.* The acceptance of a voluntary payment of one or more instalments prior to due date shall not be construed as increasing the maximum permissible financing charge as provided in paragraph (a) of this section. However, the excess of any amount paid or applied at one time to an insured obligation above the amount then due thereon, when such excess exceeds the amount of three instalments, shall be applied to the final instalments in reverse order, unless the insured is required by law or is directed by the person making the payment to make some other application, in which case evidence of such direction must be in the file if claim is made upon the Commissioner.

(e) *Prepayment rebate.* If a note is paid in full prior to maturity, the insured shall make a rebate at a rate not less than 6% per annum of the amount so paid in advance of their due dates, if the maximum permissible financing charge in connection with the transaction is in an amount equivalent to $5.00 discount as provided in paragraph (a) of this section. If a lesser charge has been taken, the rebate shall be at not less than a proportional rate.

§ 501.6 *Credits*—(a) *Credit application.* Prior to making a loan the insured shall obtain a dated credit application executed by the borrower on a form approved by the Commissioner. A separate credit application is required for each loan made or note purchased.

(b) *Credit investigation.* The credit application, supplemented by such other information as the insured deems necessary, must, in the judgment of the insured, clearly show the borrower to be solvent, with reasonable ability to pay the obligation and in other respects a reasonable credit risk. If, after the loan is made, an insured who acted in good faith discovers any material misstatements or misuse of the proceeds of the loan by the borrower, dealer, or others, the eligibility of the note for insurance will not be affected. However, the insured shall promptly report such discovery to the Commissioner.

(c) *Outstanding FHA and direct Federal obligations.* The proceeds of a loan shall not be disbursed if the insured has knowledge that the borrower is past due as to either principal or interest with respect to an obligation owing to, or insured by, any department or agency of the Federal Government.

(d) *Past due Title I notes at time of purchase.* A note shall not be purchased when any installment thereon is past due more than fifteen days at the date of purchase except purchases of notes under the provisions of § 501.12.

(e) *Prior approval by Commissioner.* Any loan in excess of $2,500, exclusive of financing charges, or any loan which increases the principal amount outstanding as to all Class 1 or Class 2 loans to any individual borrower to an amount in excess of $2,500 will be accepted for insurance only upon prior approval of the Commissioner.

(f) *Security.* The taking of security to secure the payment of a loan is left to the discretion of the insured unless specifically required by the Commissioner in accordance with the provisions of paragraph (e) of this section or of § 501.3 (d) (2) (iii). An insured may permit the substitution or subordination of security provided it can be shown when claim is made that at the time of such action the original security value was not impaired or reduced as a result of such action. Upon presentation of the facts the prior approval of the Commissioner may be obtained by the insured to any proposed substitution or subordination of security.

§ 501.7 *Eligible expenditures*—(a) *Property location.* The property to be improved shall be located within the United States, its Territories, or Possessions.

(b) *Use of proceeds.* The proceeds of a loan shall be used only to finance alterations, repairs, and improvements upon real property or in connection with existing structures, commenced in reliance upon the credit facilities afforded by Title I of the act.

(c) *Reliance on credit application.* An insured acting in good faith may, in the absence of information to the contrary, rely upon all statements of fact made by the borrower, which are called for by the borrower's credit application, in determining the eligibility of the improvements to the property.

(d) *Technical services and direct costs.* The proceeds of a loan may be used to pay the cost of architectural and engineering services, and fees paid for obtaining building permits that are directly connected with the eligible alterations, repairs, or improvements financed in accordance with this part.

(e) *Supplementing an uninsured obligation.* The proceeds of a loan shall not be used to supplement another obligation of the borrower not reported for insurance, the payment of which is to be secured by a prior lien created in connection with the proposed alteration, repairs, or improvements.

§ 501.8 *Disbursement of loan proceeds*—(a) *Disbursement.* Before disbursing the proceeds of a loan to one other than a borrower or a borrower and another jointly, the insured shall:

(1) *Dealer approval.* Have approved the dealer after such investigation as the insured considers necessary to establish to its satisfaction that the dealer is reliable, financially responsible and qualified to perform satisfactorily the work to be financed and to extend proper service to the customer. This approval signed and dated together with the supporting information shall be in the insured's file.

For the purpose of this section the term "dealer" means the one who executes the dealer's completion certificate.

(2) *Completion certificates.* Obtain a completion certificate signed by the borrower and a completion certificate signed

by the dealer on forms prescribed by the Commissioner. If there are two or more eligible borrowers involved in the transaction, only one signature is required on the borrower's certificate.

(b) *Authorization to pay loan proceeds.* If the insured is the payee of the note the proceeds shall not be disbursed to one other than the borrower without his written authority.

§ 501.9 *Refinancing*—(a) *General requirements.* New obligations to liquidate loans previously reported for insurance pursuant to Title I of the act after July 1, 1944, which may or may not include an additional amount advanced will be covered by insurance, provided they meet the requirements of all applicable regulations and the special provisions of this section.

(b) *Maximum maturity.* (1) A Class 1 (a) loan or a Class 2 (a) loan may be refinanced for an additional period not in excess of three years and thirty-two days from the date of the refinancing, but not to exceed five years from the date of the original note.

(2) A Class 1 (b) loan may be refinanced for an additional period not in excess of seven years and thirty-two days from the date of the refinancing, but not to exceed ten years from the date of the original note.

(3) A Class 2 (b) loan may be refinanced for an additional period not in excess of seven years and thirty-two days from the date of the refinancing, but not to exceed ten years from the date of the original note, except that if a Class 2 (b) loan is secured by a first mortgage, first deed of trust, or other security instrument, constituting a first lien upon the improved property, the new note may have a final maturity not in excess of fifteen years and thirty-two days from the date of the refinancing, but not to exceed twenty-five years from the date of the original note.

(4) When a Class 1 loan or a Class 2 loan is made or refinanced and consolidated with another Class 1 loan or Class 2 loan, the new note evidencing the consolidated obligation shall not be for a longer term than that which the component loan having the shortest permissible maturity could have if made or refinanced alone.

(c) *Rebate.* The full unearned charge on the original note shall be refunded to the borrower. If no additional advance is made a handling charge not in excess of $2.00 may be assessed the borrower.

(d) *Special cases.* The Commissioner may upon presentation of the facts approve the refinancing or refinancing and consolidation of any loan or loans upon such terms and conditions as he may determine within the limits provided by the act.

(e) *Deferred payments.* An agreement to defer payments on a note previously reported for insurance under this part without rewriting the note is not considered refinancing. Such agreement will not affect the insurance coverage on the loan, *Provided*, That

(1) Such agreement is evidenced in writing;

(2) Payments shall not be deferred for more than five months from the due date of the last fully-paid instalment;

(3) Such agreement shall not extend the final maturity of the obligation beyond the maturity date of the obligation as provided by its original terms;

(4) The insured may assess the borrower for the cost of such deferment if such charge is not in excess of an equivalent amount of late charges as provided in § 501.3 (e).

§ 501.10 *Report of loans.* Loans shall be reported on the prescribed form to the Federal Housing Administration at Washington, D. C., within thirty-one days from the date of the note or date upon which it was purchased. Any loan refinanced as provided in § 501.9 shall likewise be reported on the prescribed form within thirty-one days from date of refinancing. In any case, the Commissioner may, in his discretion, accept a late report.

§ 501.11 *Claims*—(a) *Claim application.* Claim for reimbursement for loss on an eligible loan shall be made on a form provided by the Commissioner, and executed by a duly qualified officer of the insured. The claim shall be accompanied by the insured's complete credit and collection file pertaining to the transaction.

(b) *Claim for default.* Claim may be made after default (earliest instalment for which full payment has not been received) provided demand has been made upon the debtor for the full unpaid balance of the note.

(c) *Maximum claim period.* For the purpose of this section, any payment received on an account, including payments on a judgment predicated thereon, shall be applied to the earliest unpaid instalment, and in the case of:

(1) Yearly instalment notes, whenever an instalment is twelve months in default claim must be made within thirty-one days thereafter,

(2) All other instalment notes, whenever an instalment is six months in default, claim shall be made within thirty-one days thereafter,

(3) Military service cases, if at any time during default a person primarily or secondarily liable for the repayment of any loan is a "person in military service," as such term is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the period during which he is in military service shall be excluded in computing the time within which claim must be made for reimbursement under the provisions of this section.

(d) *Extension of maximum claim period.* Upon presentation to the Commissioner of the facts of a particular case within the allowable claim period prescribed in this section, he may, in his discretion, extend the time within which claim must be made, provided that in computing the claim no interest will be allowed for the period of such extension.

(e) *Claim amount.* An insured will be reimbursed for its loss on loans made in accordance with this part up to the amount of its reserve as established by § 501.12 as follows:

(1) Net unpaid amount of the loan actually made or the actual purchase price of the note, whichever is the lesser;

(2) Uncollected earned interest to date of default and interest at the rate of 4% per annum from the date of default to the date of the application for reimbursement of loss sustained;

(3) Uncollected court cost, including fees paid for issuing, serving, and filing summons;

(4) Attorney's fees not exceeding 15% of the amount collected by the attorney on the defaulted note provided the insured does not waive its claim against the borrower for such fees;

(5) Handling fee of $5.00 for each loan, if judgment is secured, plus 5% of amounts collected subsequent to return of unsatisfied property execution.

(f) *Assignment of documents.* The note and any security held or judgment taken must be assigned in its entirety and if any claim has been filed in bankruptcy, insolvency, or probate proceedings, such claim shall likewise be assigned to the United States of America.

(g) *Form of assignment.* The following form of assignment properly dated shall be used in assigning a note, judgment, real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien, or any other security device in event of claim:

All right, title, and interest of the undersigned is hereby assigned (without warranty, except that the note qualifies for insurance) to the United States of America.

(Financial Institution)

By ---

Title ---

Date---

Provided, That if this form is not valid or generally acceptable in the jurisdiction involved, a form which is valid and generally acceptable shall be used.

(h) *Election of action.* Where a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien, or any other security device has been used to secure the payment of a loan made under the provisions of Title I of the act, the insured may not both proceed against such security and also make claim under its Contract of Insurance, but shall elect which method it desires to pursue.

§ 501.12 *Insurance reserve*—(a) *Legal limit.* Subject to the limitation on the total liability which may be outstanding at any time as stipulated in section 2 of Title I of the act, the Commissioner, in accordance with § 501.11, will reimburse any insured for losses sustained by it up to a total aggregate amount equal to 10% of the total amount advanced on all eligible loans made by it after July 1, 1944, and reported for insurance during the time its Contract of Insurance is in force.

(b) *General insurance reserve.* There shall be established for each insured a general insurance reserve equal to 10% of the aggregate amount advanced on all loans originated by it on and after July 1, 1944, pursuant to the provisions of this part.

(c) *Transfer of insured notes.* In all cases involving the transfer of notes purchased without recourse, guaranty or repurchase agreement, provided no instalment payment on any note is past due more than one calendar month at the time of the purchase, the insurance reserve shall be transferred to the general insurance reserve of the purchasing institution on the basis of 10% of the actual purchase price or net unpaid original advance, whichever is the lesser.

(d) *Ear-marked insurance reserve.* Where the buying and selling institutions desire to transfer an insurance reserve in excess of 10% of the actual purchase price of the notes involved or in excess of 10% of the net unpaid principal advanced on the notes involved, the insurance reserve so transferred shall be placed in an ear-marked insurance reserve, which reserve shall be available only for the payment of those losses arising from the notes so transferred and such losses shall be payable only to the extent of such reserves. When the notes so transferred have all been fully paid to the purchasing institution, it shall so notify the Commissioner.

(e) *Special reserve agreements.* The transfer of insurance reserve in a manner, or under conditions not provided in paragraph (b) or paragraph (c) of this section, shall have the prior approval of the Commissioner.

(f) *Transfer with recourse or guarantee to repurchase.* Where notes are sold with recourse or under a guarantee or repurchase agreement no insurance reserve will be transferred and no reports will be required.

(g) *Reports.* In all cases involving the transfer of notes the reports required by § 501.10 must be filed and shall indicate the intent of the parties with regard to the transfer of the insurance reserve.

(h) *FHA recovery shall not affect reserve.* Amounts which may be salvaged by the Commissioner with respect to a loan in connection with which an insured has been reimbursed under its Contract of Insurance shall not be added to the insurance reserve remaining to the credit of such insured.

§ 501.13 *Insurance charge*—(a) *Rate.* The insured shall pay to the Commissioner an insurance charge equal to ¾% per annum of the net proceeds of any loan reported for insurance.

(b) *When payable.* Such insurance charge for the entire term of the loan shall be paid within twenty-five days after the date the Commissioner acknowledges receipt to the insured institution of the report of loan: *Provided,* That on loans having a maturity in excess of three years and thirty-two days, such charge may be paid in instalments, the first of which shall be equal to the charge for three years and be paid within said twenty-five days, and the second and succeeding instalments, each equal to the charge for one eyar, shall be paid on the first and each succeeding anniversary of the first day of the month following the date of the note.

(c) *Notes transferred.* Any adjustments of the insurance charge already paid on any obligation transferred between insureds shall be made by the insureds, except that any unpaid instalments of the insurance charge shall be paid by the purchasing insured.

(d) *Refund or abatement.* There shall be no refund or abatement of any portion or instalment of the insurance charge except:

(1) The charge on a refinanced note may be credited with the unearned portion of the charge on the original note;

(2) Insurance charges falling due after claim is filed or the note is prepaid in full;

(3) The charge paid on a loan or portion thereof found to be ineligible.

(e) *When not chargeable to borrower.* The insurance charge paid by the insured shall not be charged to the borrower if such charge would cause the total payments made by the borrower to exceed the maximum permissible amount which may be charged to the borrower for interest, discount, and all other charges in connection with the transaction.

§ 501.14 *Administrative reports and examination.* The Commissioner, or his authorized representative, may at any time call upon an insured for such reports as he may deem to be necessary in connection with these Regulations, or may inspect the books or accounts of the insured as they pertain to the loans reported for insurance.

§ 501.15 *Amendments.* This part may be amended by the Commissioner at any time, but such amendment shall not adversely affect the insurance privileges of an insured with respect to any loan previously made.

§ 501.16 *Effective date.* This part is effective as to all loans made on or after July 1, 1944, pursuant to the provisions of Title I of the National Housing Act, as amended, and shall have the same force and effect as if included in and made a part of each Contract of Insurance.

Issued at Washington, D. C., June 9, 1944.

ABNER H. FERGUSON,
Federal Housing Commissioner.

[F. R. Doc. 44-9513; Filed, June 29, 1944; 11:53 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

Subchapter L—Irrigation Projects, Operation and Maintenance

PART 130—ORDER FIXING OPERATION AND MAINTENANCE CHARGES

NAVAJO AGENCY

Section 130.105 *Charges* is amended by suspending its application to Fruitland and Miscellaneous Units, Navajo Agency, 1944 season.

OSCAR L. CHAPMAN,
Assistant Secretary.

MARCH 31, 1944.

[F. R. Doc. 44-9481; Filed, June 29, 1944; 9:32 a. m.]

TITLE 29—LABOR

Chapter IV—United States Children's Bureau, Department of Labor

[Reg. 24 b]

PART 402—ACCEPTANCE OF STATE CERTIFICATES

DESIGNATION OF STATES

§ 402.1 *Designation of States.* Pursuant to the provisions of § 401.5,[1] I hereby designate the following States as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, c. 676, 52 Stat. 1060, 29 U. S. C., sec. 201:

Alabama.	Montana.
Arizona.	Nebraska.
Arkansas.	Nevada.
California.	New Hampshire.
Colorado.	New Jersey.
Connecticut.	New Mexico.
Delaware.	New York.
District of Columbia.	North Carolina.
Florida.	North Dakota.
Georgia.	Ohio.
Hawaii.	Oklahoma.
Illinois.	Oregon.
Iowa.	Pennsylvania.
Indiana.	Puerto Rico.
Kansas.	Rhode Island.
Kentucky.	South Dakota.
Louisiana.	Tennessee.
Maine.	Utah.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	Washington.
Minnesota.	West Virginia.
Missouri.	Wisconsin.
	Wyoming.

This designation shall be effective from July 1, 1944, until June 30, 1945, unless this regulation is amended or repealed by regulation hereafter made and published by the Chief of the Children's Bureau.

Dated: June 29, 1944.

KATHARINE F. LENROOT,
Chief of the Children's Bureau.

[F. R. Doc. 44-9533; Filed, June 29, 1944; 11:55 a. m.]

Chapter IX—War Food Administrator (Agricultural Labor)

[Specific Wage Ceiling Reg. 14]

PART 1102—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF CALIFORNIA

WORKERS IN LETTUCE IN SANTA MARIA VALLEY

§ 1102.11 *Wages of workers engaged in harvesting lettuce in those portions of San Luis Obispo and Santa Barbara Counties, State of California, known as the Santa Maria Valley.* Pursuant to § 4001.7 of the regulations of the Director of the Office of Economic Stabilization relating to wages and salaries issued

[1] Refers to section 5, Child Labor Regulation No. 1, "Certificates of Age," issued October 14, 1938, pursuant to the authority conferred by sections 3 (1) and 11 (b) of the Fair Labor Standards Act of 1938, published at 3 F.R. 2487, October 15, 1938; republished 4 F.R. 1361, March 29, 1939.

August 28, 1943 (8 F.R. 11960, 12139), as amended on December 9, 1943 (8 F.R. 16702) and June 1, 1944 (9 F.R. 6035) and to the regulations of the War Food Administrator issued January 20, 1944 (9 F.R. 831), entitled "Specific Wage Ceiling Regulations" and based upon relevant facts submitted by the California WFA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops, and classes of workers.* Persons engaged in dry-pack harvesting of lettuce in those portions of San Luis Obispo and Santa Barbara Counties, State of California, known as the Santa Maria Valley, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Director of the Office of Economic Stabilization issued on August 28, 1943 (8 F.R. 11960, 12139), as amended on December 9, 1943 (8 F.R. 16702) and June 1, 1944 (9 F.R. 6035).

(b) *Definitions.* (1) When used in this specific wage ceiling regulation, the term "dry-pack harvesting" consists of and embraces all field crew operations, including those of the crew foreman in organizing and supervising the crew; unloading empty crates; cutting, trimming, and packing the lettuce; papering the crates; lidding; loading full crates on trucks or other vehicles, and in doing other operations incidental to and customarily related to the above.

(c) *Wage rates; maximum wage rates for dry-pack harvesting of lettuce.*

1. Dry-pack harvesting—28c per standard crate.

If payment is made on any other basis than the above flat rate per crate, the maximum equivalent payment shall not exceed the maximum rate above.

(d) *Administration.* The California WFA Wage Board located at 2181 Bancroft Way, Berkeley, California, will have charge of the administration of this order in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on January 20, 1944 (9 F.R. 831).

(e) *Applicability of specific wage ceiling regulations.* This specific wage ceiling regulation No. 14 shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on January 20, 1944 (9 F.R. 831) and the provisions of such regulations shall be applicable to this specific wage ceiling regulation No. 14 and any violation of this specific wage ceiling regulation No. 14 shall constitute a violation of such specific wage ceiling regulations.

(56 Stat. 765, 50 U. S. C. App. 961 et seq.; Pub. Law 34, 78th Cong.; E. O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, regulations of the Director of Economic Stabilization, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035; regulations of the War Food Administrator, 9 F.R. 655, 6011, 9 F.R. 831)

Issued this 28th day of June 1944.

WILSON R. BUIE,
Acting Director of Labor,
War Food Administration.

[F. R. Doc. 44-9512; Filed, June 29, 1944; 11:16 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-571]

HOME BUILDERS CORPORATION

Home Builders Corporation is a corporation organized under the laws of Nevada with its office and place of business in Las Vegas, Nevada. In January, 1942, it obtained approval of two applications on form PD-105 for permission to build and for preference rating assistance to secure materials to be used in the construction of eighty-seven dwelling units in Mayfair Tract No. 1, in the City of Las Vegas, Nevada. On January 21 and February 23, 1942, the War Production Board on two Preference Rating Orders P-55 assigned preference ratings for the acquisition of the materials described in the applications. Approximately eighty-five houses were completed with War Production Board permission and material obtained on preference ratings so granted. The applications and the preference rating orders contained certain promises and conditions concerning use and disposition of the houses. On November 16, 1942, a Regional Housing Specialist of the War Production Board by a letter advised the respondent that it could modify the promises and conditions contained in the applications and preference rating orders in a manner more favorable to respondent, and certain of the promises and conditions were restated in this letter.

In disposing of these houses, the respondent violated the promises and conditions contained in the applications and preference rating orders as modified by the Regional Housing Specialist in the following respects: One of the promises contained in the PD-105 Applications and not relaxed by the Regional Housing Specialist was, "I will make every reasonable effort to grant preference as to occupancy to persons engaged in National Defense Activities," but the respondent made no sincere or reasonable effort to make the houses so available to persons engaged in National Defense Activities; the respondent sold five of the houses to persons who were not engaged in National Defense Activities. Another of the promises and conditions was that the selling price of each house would not exceed $4,500, which amount was subsequently increased by the Regional Housing Specialist to $5,000.; the respondent sold twenty-seven of the houses for amounts in excess of $5,000.

These actions by the respondent have misused critical materials and facilities in connection with operations under the priority and allocation controls of the War Production Board, and have hampered and impeded the war effort of the United States. The responsible officers of the respondent were aware of the promises and conditions contained in the PD-105 Applications, the P-55 Preference Rating Orders, and the letter of the Regional Housing Specialist dated November 16, 1942, and the violations must be deemed wilful. In view of the foregoing, it is hereby ordered, that:

§ 1010.571 *Suspension Order No. S-571.* (a) Deliveries of material to Home Builders Corporation, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation, including allotments, shall be made to Home Builders Corporation, its successors or assigns, of any material or product the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Home Builders Corporation, its successors or assigns, from any restriction prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on June 28, 1944, and shall continue in effect until December 31, 1944.

Issued this 21st day of June 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-9478; Filed, June 28, 1944; 4:23 p. m.]

Chapter XI—Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 44]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new section 12.1 (e) is added to read as follows:

(e) *Persons dealing only in zero point value foods need not register.* A person who opens a retail establishment need not register that establishment while all the processed foods in which he deals there have a zero point value.

This amendment shall become effective July 3, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 3, 104, 574, 695, 765, 848, 1397, 1727, 1817, 1908, 2233, 2234, 2240, 2440, 2567, 2791.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9230, 7 F.R. 10179, WPB Directive 1, 7 F.R. 562; War Food Order No. 56, 8 F.R. 2005; 9 F.R. 4320; and War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4320)

Issued this 28th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9476; Filed, June 28, 1944; 3:52 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 7]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 13.1 (e) is added to read as follows:

(e) *Persons dealing only in zero point value foods need not register.* A person who opens a retail or wholesale establishment need not register that establishment while all the foods covered by this order in which he deals there have a zero point value. However, this paragraph does not apply to a wholesale establishment at which canned fish is acquired for sale or transfer. Such an establishment must be registered under paragraph (c) of this section as soon as canned fish is acquired there for sale or transfer.

This amendment shall become effective July 3, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319; War Food Order No. 59, 8 F.R. 3471, 9 F.R. 4319; War Food Order No. 61, 8 F.R. 3471, 9 F.R. 4319)

Issued this 28th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9474; Filed, June 28, 1944; 3:52 p. m.]

PART 1335—CHEMICALS

[MPR 543]

CERTAIN BARIUM CHEMICALS

Correction

The FEDERAL REGISTER serial number for the above-entitled document appearing at page 7196 of the issue for Thursday, June 29, 1944, should read "F.R. Doc. 44-9389."

[1] 9 F.R. 6731.

PART 1385—NAVAL STORES

[TMPR 36]

GUM ROSIN

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328 to issue a temporary regulation establishing as the maximum prices for sales of gum rosin the prices prevailing with respect thereto within the five days prior to the issuance of the regulation.

The maximum prices herein established are not below prices which will reflect to the producers of gum rosin prices equal to the highest prices required by the provisions of section 3 of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

TEMPORARY MAXIMUM PRICE REGULATION 36—GUM ROSIN

Sec.
1. Prohibition against buying and selling gum rosin at higher than maximum prices.
2. Less than maximum prices.
3. Applicability and relation to other regulations.
4. Records and reports.
5. Evasion.
6. Enforcement.
7. Licensing.
8. Petitions for amendment.
9. Definitions.
10. Maximum prices for gum rosin.

AUTHORITY: Secs. 1 to 10 (§ 1385.53) issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Prohibition against buying and selling gum rosin at higher than maximum prices.* From June 28, 1944, to August 27, 1944, inclusive, regardless of any contract or other obligation:

(a) No person shall sell or deliver gum rosin at prices higher than those established by this regulation.

(b) No person in the course of trade or business shall buy or receive gum rosin at prices higher than those established by this regulation.

SEC. 2. *Less than maximum prices.* Prices lower than the maximum prices prescribed herein may be charged and paid.

SEC. 3. *Applicability and relation to other price regulations*—(a) *Geographical applicability.* This regulation applies in the 48 states of the United States and the District of Columbia.

(b) *Imports (Maximum Import Price Regulation[1] applicable).* The provisions of this regulation shall not apply and the Maximum Import Price Regulation shall apply to the purchases, sales or deliveries of gum rosin, if they originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported commodities are governed by the provisions of the Maximum Import Price Regulation.

[1] 9 F.R. 2350.

[2] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036.

(c) *Exports (Second Revised Maximum Export Price Regulation[2] applicable.* The maximum prices at which a person may export gum resin shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.

SEC. 4. *Records and reports.* (a) Every person making sales of gum rosin shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all his existing records relating to the prices which he charged for such gum rosin delivered or supplied during the period June 23, 1944, to June 27, 1944, inclusive.

(b) Every person selling gum rosin in the course of trade or business shall keep records which will show the name and address of the buyer, the date of the sale, the containers in which the sale was made, the grade and quantity sold, and the price. Such records must be kept for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect. Customary records such as invoices showing the above information will constitute compliance with this paragraph (b).

(c) Every person selling gum rosin other than on the Savannah, Georgia, Cotton and Naval Stores Exhange shall keep records showing as precisely as possible the basis upon which he determined the maximum prices for his sales of gum rosin and shall preserve such records for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(d) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a), (b) and (c) of this section as the Office of Price Administration may from time to time require.

SEC. 5. *Evasion.* Price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to gum rosin, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, discount, premium, or other privilege, or other trade understanding, or otherwise.

SEC. 6. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 7. *Licensing.* The provisions of Licensing Order No. 1,[3] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or

[3] 8 F.R. 13240.

one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 8. *Petitions for amendment.* Any person seeking an amendment to any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[4]

SEC. 9. *Definitions.* (a) As used in this regulation the term:

"Base period" means the period June 23, 1944 to June 27, 1944, inclusive.

"Gum rosin" means the vitreous transparent or translucent brittle mass congealed from the molten condition remaining after the extraction of gum spirits of turpentine in the distillation of oleoresin exuded from the living pine tree.

"Grade" refers to the grade as established by the Naval Stores Act (42 Stat. 1435; 7 UCS, Secs. 91–99).

"Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for gum rosin for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or in different containers or under different conditions of sale.

"Per 100 pounds" means "Per 100 pounds net".

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used in this regulation.

SEC. 10. *Maximum prices for gum rosin*—(a) *Sales on the Savannah, Georgia, Cotton and Naval Stores Exchange.* Maximum prices for sales of gum rosin on the Savannah, Georgia, Cotton and Naval Stores Exchange shall be:

Grade:	*Per 100 lbs. in Drums on Yard, Savannah, Ga.*
X	$6.50
WW	6.50
WG	6.31
N	6.20
M	6.10
K	6.05
I	5.90
H	5.80
G	5.75
F	5.70
E	5.65
D	5.20
B	5.10

(b) *Sales other than on the Savannah, Georgia, Cotton and Naval Stores Exchange.* For sales other than on the Savannah, Georgia, Cotton and Naval Stores Exchange you are to determine your maximum price by reference to the maximum prices for sales on that Exchange. To find your maximum price per 100 pounds for sale of any grade to explained below. This maximum price applies at a point in accordance with your customary practice. As used in any class of purchasers you proceed as this paragraph (b), "differential" means a dollar and cents difference.

(1) If during the base period June 23, 1944 to June 27, 1944, inclusive, you delivered the same grade of gum rosin to the same class of purchasers, you find your maximum price by adding to or subtracting from the maximum price per hundred pounds established in (a) above for sales of the same grade on the Savannah Exchange your base period differential. This differential is the most favorable from the price for that grade listed on the Savannah Exchange which you received on any delivery of the same grade to a purchaser of the same class during the base period. The price listed on the Savannah Exchange which you are to use to determine the differential for any delivery during the base period is the listed price for that grade on the Savannah Exchange on the day on which the Exchange was open for business next preceding the day on which the delivery was made.

Example: During the base period you made two sales of K grade rosin to the same class of purchasers. On the first delivery the price you received was 5 cents per 100 lbs. less than the Savannah Exchange quotation for K grade on the preceding day; on the second delivery your price was 2 cents per 100 lbs. more than the Exchange quotation for K grade on the preceding day. Your base period differential is 2 cents per 100 lbs. premium and your maximum price for K grade to that class of purchaser is $6.05 + 2 cents or $6.07 per 100 lbs.

(2) If during the base period your only deliveries of the same grade of rosin were made to a different class of purchasers, you find your maximum price by first determining your maximum price according to (1) above for sales to the different classes of purchasers, and then adding to or subtracting from that maximum price your customary differential between the two classes of purchasers.

Example: In the base period your only deliveries of K grade were in bags, less than carload. For such sales your maximum price determined according to (1) above is $5.85 per 100 lbs. You now wish to find your maximum price for sales in drum carloads. Customarily you charge 10 cents per 100 lbs. more for sales in drums than for sales in bags, and 5 cents per 100 lbs. less for carload than for less than carload sales. Your maximum price for drum carload sales of K grade is $5.85+10−.05 or $5.90 per 100 lbs.

(3) If during the base period you did not deliver the same grade of rosin, you find your maximum price by first determining your maximum price according to (1) and (2) above for sales to the same class of purchasers of the most nearly similar grade which you delivered during the base period and adding to or subtracting from this maximum price the differential between the Savannah Exchange maximum prices for these grades in paragraph (a) above.

Example: During the base period you delivered only N and K grades. You now wish to sell WW. The most nearly similar grade you sold in the base period is N. Your maximum price to a particular class of purchasers for N grade according to (1) and (2) above is $6.00. The maximum price for N in paragraph (a) is $6.20, for WW is $6.50. The differential is a premium of $0.30 and your maximum price for WW is $6.00+.30 or $6.30 per 100 lbs.

(4) If you cannot determine your maximum price according to (1), (2) or (3) above, your maximum price for sales of any grade to any class of purchaser shall be the maximum price determined under (1), (2) or (3) above by your closest competitor for sales of the same grade of rosin to the same class of purchasers.

Effective date. This regulation shall become effective June 28, 1944, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight, August 27, 1944.

NOTE: All record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of June 1944.

CHESTER BOWLES,
Administrator.

Approved: June 27, 1944.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 44–9475; Filed, June 28, 1944; 3:52 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 34]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 426 is amended in the following respects:

1. In paragraph (b) of Appendix H of section 15, Table 9 is added to read as follows:

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[4] 9 F.R. 5791.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 790, 902, 1581, 2008, 2023, 2091, 2493, 4030, 4086, 4088, 4434, 4779, 4786, 4787, 4877, 5926, 5959, 6420.

TABLE 9—MAXIMUM PRICES FOR WATERMELONS [1]

Col. 1 Item Number	Col. 2 Commodity	Col. 3 Unit	Col. 4 Season	Col. 5 Maximum price f. o. b. country shipping point	Col. 6 Maximum prices for sales delivered to any wholesale receiving point in any quantity.[2]	Col. 7 Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer.[3]
1	Watermelons	Ton	Through July 4	$45.00	Price in Column 5 plus freight from country shipping point.	Price in column 6 plus 1.3 cents per lb.
2		Pound		.0225		
3		Ton	July 5 and after	35.00		
4		Pound		.0175		

[1] The prices in this table do not apply to sales of watermelons which were shipped from the country shipping point before June 29, 1944.
[2] In determining the delivered price the column 5 price to be used is the price in effect at the time the particular goods were shipped from the country shipping point.
[3] The prices named in columns 6 and 7 are maximum prices for each individual lot or shipment of watermelons received and sold by the particular seller. For the sellers covered by column 7 see the general provisions of this appendix.

2. In Appendix H of section 15, the table in paragraph (c) is amended by adding item No. 9 to read as follows:

TABLES OF MAXIMUM MARKUP FOR DISTRIBUTIVE SERVICES TO BE ADDED TO MAXIMUM DELIVERED PRICES (SEE COL. 6 OF TABLES IN PARAGRAPH (B))

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10
			Sales by a grower or a country shipper					Sales by a service wholesaler delivered to the premises of any retail store, Government procurement agency, or institutional buyer, within the free delivery zone.[2]	
Item number	Commodity	Unit 3	Through a broker, shipper's sales agent or commission merchant in carlots or trucklots or through broker, shipper's sales agent, or auction in less-than-carlot or less-than truck lot	Through a commission merchant in less-than-carlots or less-than trucklots	Sales by anyone other than a grower or country shipper, who has purchased a carlot or trucklot, and sells such a carlot or trucklot unbroken	Sales by carlots receivers in less-than-carlots or less-than-trucklots. (For sales by carlot receivers through auction the markups named in Col. 4 shall be applied)	Sales by secondary jobbers in any quantity delivered to the premises of the purchaser	Half container or larger	Less than half container
	Watermelon	Pound	*Cent* 1/10	*Cent* 3/10	*Cent* 3/10	*Cent* 8/10	*Cents* 1 3/10	*Cents* 1 3/4	

This amendment shall become effective at 12:01 a. m. June 29, 1944.

Issued this 28th day of June 1944.

CHESTER BOWLES,
Administrator.

Approved: June 26, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-9468; Filed, June 28, 1944; 11:37 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 72]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order No. 5 is amended in the following respects:

1. Section 5.7 (a) is amended to read as follows:

(a) The meal service allotment under sections 6.2, 7.3, 7.6, 7.9, 26.1, and 31.1 and Article XI for foods covered by Revised Ration Order 16 for all institutional users for the allotment periods May–June 1944 and July–August 1944, shall be reduced by fifty percent (50%). If the allotment for either of those periods has been issued without the reduction required by this section, the amount of the reduction in the allotment shall be charged as excess inventory.

2. Section 5.7 (d) (1) is amended by substituting for the words "apply for an adjustment of his May–June 1944", the words "obtain an adjustment of his May–June 1944 and July–August 1944".

3. Section 5.7 (d) (2) is amended by changing the semicolon to a period, and by adding at the end thereof the following:

However, if he has already applied for this adjustment for the May–June 1944 period, he need not apply again to obtain the adjustment for the July–August 1944 period. (However, he may apply for the adjustment if he wishes, for example: if the amount of the adjustment would be increased because points must now be given up for a food covered by Revised Ration Order 16 for which points did not have to be given up at the time he applied for the adjustment for the May–June 1944 allotment period.);

4. Section 5.7 (d) (4) is amended by substituting for the words "May–June 1944 meal service allotment" the words "May–June 1944, or July–August 1944, meal service allotment, as the case may be,".

This amendment shall become effective at 12:01 a. m. July 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, Supp. Dir. 1–E, 1–M and 1–R, 7 F.R. 562, 2965, 7234, 9684, respectively; War Food Order Nos. 56, 58, 59, 61, and 64, 8 F.R. 2005, 2251, 3471, 7093, 9 F.R. 4319)

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9515; Filed, June 29, 1944; 11:47 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 143,[1] Amdt. 1]

WHOLESALE PRICES FOR NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 143 is amended in the following respects:

1. The table of minimum discounts in section 4 (c) is amended to read as follows:

	Percent
All tires except farm tractor and implement	30
All tubes except farm tractor and implement	35
Farm tractor and implement tires and tubes	25

2. In section 4 (d) (1) the phrase "on or before August 15, 1944" is substituted for the phrase "within 15 days after the effective date of this regulation".

This amendment shall become effective July 5, 1944.

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9524; Filed, June 29, 1944; 11:46 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10002, 11479, 11480, 11676, 12403, 12483, 12557, 12744, 14472, 15488, 16787, 17485; 9 F.R. 401, 455, 692, 1810, 2212, 2252, 2287, 2476, 2789, 3030, 3075, 3340, 3577, 3704, 4196, 4393, 4647, 4873, 5041, 5232, 5684, 5826, 5915, 6108.

[1] 9 F.R. 4286.

PART 1340—FUEL

[MPR 120,[1] Amdt. 103]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 120 is amended in the following respects:

In § 1340.205 (e), the following is added:

Each producer filing his report on OPA Form No. 653:499 for the month of June 1944 shall for that month insert in the space in Schedule II this information:

(1) Total amount of retroactive portal-to-portal wage settlement liability;

(2) Amount charged off by reserves or payments reported as costs on the same form up to June 1, 1944; and

(3) Remainder of liability as of June 1, 1944, and proposed schedule for charging off the liability.

In the same and subsequent reports, the producer shall strike the words appearing on code line 1109 of the same form; insert the words "$40.00 portal payment", and then make appropriate entry.

This amendment shall become effective July 5, 1944.

NOTE: All record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9515; Filed, June 29, 1944; 11:48 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RPS 32,[2] Amdt. 14]

PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In Section 1347.61 (a) two items are added to read as follows:

	1 to 3 tons	Over 3, less than 10 tons	10 tons or over
* *	*	*	*
Special ammunition chip tube stock (as specified in War Department specification No. AXS-1126)	$58.50	$56.00	$53.50
Special high test ammunition chip stock (as specified in War Department specification No. AXS-1156)	62.50	60.00	57.50

This amendment shall become effective July 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9518; Filed, June 29, 1944; 11:47 a. m.]

PART 1351—FOOD ANL FOOD PRODUCTS

[MPR 276,[1] Correction]

EXTRACTED HONEY

Maximum Price Regulation 275 is corrected in the following respects:

1. Paragraph (g) of § 1351.1319 is redesignated (h) and paragraph (h) of that section is redesignated (g).

2. The phrase "§ 1351.1319 (f)" appearing in the first sentence of § 1351.1319 (f) is corrected to read "§ 1351.1319 (g)."

3. The phrase "price per pound" appearing in the first sentence of § 1351.1319 (b) (3) is corrected to read "maximum price per pound."

4. The phrase "§ 1351.1319 (h)" appearing in § 1351.1302a (e) is corrected to read § 1351.1319 (g).

This correction shall become effective July 5, 1944.

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9521; Filed, June 29, 1944; 11:48 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 50,[1] Amdt. 10]

GREEN COFFEE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1351.1 (e) is amended to read as follows:

(e) For any green coffee sold ex-warehouse rather than ex-dock New York City, or other port or point of entry, the cost of actually "putting into the warehouse" may be added to the specified maximum prices by the seller who incurred the cost. "Putting into the warehouse" shall include only the following charges; (1) transportation charges from dock to warehouse, (2) handling charges in and out, and (3) warehouse storage charges for not more than 90 days.

This amendment shall become effective July 1, 1944.

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9520; Filed, June 29, 1944; 11:47 a. m.]

PART 1373—PERSONAL AND HOUSEHOLD ACCESSORIES

[MPR 499,[2] Amdt. 2]

CERTAIN IMPORTED SWISS WATCHES

A statement of the considerations involved in the issuance of this amendment, has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 499 is amended in the following respect:

The table of prices listed in section 3 is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 5042, 5375, 5587, 5826, 5915, 6433, 6451.

[2] 7 F.R. 1264, 2000, 2132, 2740, 3182, 8948; 8 F.R. 3524, 4187, 5838, 11291, 14811, 15607, 17415; 9 F.R. 67, 1571, 3331, 5482.

[1] 7 F.R. 9955; 8 F.R. 542, 1228, 2337, 3947, 8502, 9218; 9 F.R. 3425, 5726.

[1] 7 F.R. 1305, 2132, 2945, 5462, 6387, 6685, 8948, 10471; 8 F.R. 5477, 13024; 9 F.R. 901, 1598.

[2] 8 F.R. 16600; 9 F.R. 2300.

Description of watches	Importers' prices to jobbers		Importers' prices to retailers		Jobbers' prices to retailers		Retail ceiling prices	
	8¾ ligne and over	Under 8¾ ligne	8¾ ligne and over	Under 8¾ ligne	8¾ ligne and over	Under 8¾ ligne	8¾ ligne and over	Under 8¾ ligne
1. Pin-lever, cylinder and Roskopf watches with 3 jewels or less, in either non-waterproof or waterproof cases	$3.93	$4.63	$4.25	$5.00	$4.57	$5.38	$8.50	$10.00
2. Roskopf and cylinder watches with 4–10 jewels in non-waterproof cases	5.32	6.01	5.75	6.50	6.18	6.99	11.50	13.00
3. Pin-lever watches with 4–10 jewels in non-waterproof cases	6.24	6.94	6.75	7.50	7.26	8.06	13.50	15.00
4. Roskopf and cylinder watches with 4–10 jewels in waterproof cases	6.94	7.63	7.50	8.25	8.06	8.87	15.00	16.50
5. Pin-lever watches with 4–10 jewels in waterproof cases	7.86	8.56	8.50	9.25	9.14	9.94	17.00	18.50
6. Pin-lever, cylinder and Roskopf watches with 11 or more jewels in non-waterproof cases	8.09	8.79	8.75	9.50	9.41	10.21	17.50	19.00
7. Pin-lever, cylinder and Roskopf watches with 11 or more jewels in waterproof cases	9.71	10.41	10.50	11.25	11.29	12.09	21.00	22.50

This amendment shall become effective on the 5th day of July 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631)

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–9514; Filed, June 29, 1944; 11:48 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5F,[1] Amdt. 12]

MILEAGE RATIONING: GASOLINE REGULATIONS FOR THE TERRITORY OF HAWAII

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5F is hereby amended in the following respects:

1. Section 5.6 is amended by adding thereto paragraphs (t), (u), (v), and (w) to read as follows:

(t) By theater managers for the purpose of taking employees home after work, provided that such transportation must be furnished in order to secure or retain sufficient labor for the operation of the theater.

(u) By managers of restaurants and hotel dining rooms, for the purpose of securing sufficient produce and supplies for the operation of such restaurants and hotel dining rooms.

(v) By officials and paid employees of the United Service Organizations, Inc. for necessary travel to supervise the activities of that agency.

(w) By owners of retail grocery stores for the purpose of securing produce and supplies for sale at such stores, providing they can qualify under the following conditions:

(1) That they do not have access to a centralized purchasing and distribution service which is operated for the purpose of purchasing and delivering produce and supplies, and

(2) That delivery by wholesalers is not available or is inadequate.

This amendment shall become effective June 29, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong., E.O. 9125, 7 F.R. 562, Supp. Dir. 1–Q, 7 F.R. 9121, General Order No. 48, 8 F.R. 2898)

Issued this 29th day of June 1944.

MELVIN C. ROBBINS,
Territorial Director,
Territory of Hawaii.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 44–9516; Filed, June 29, 1944; 11:48 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 2 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (c) (2) (ii) is amended in the following respects:

1. Subdivision (b) is amended to read as follows:

(b) Group II, cheese	All	4.0

2. Subdivision (c) is amended to read as follows:

(c) Group III, cheese	All	4.0

This amendment shall become effective July 2, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319; War Food Order No. 59, 8 F.R. 3471, 9 F.R. 4319; War Food Order No. 61, 8 F.R. 3471, 9 F.R. 4319)

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–9523; Filed, June 29, 1944; 11:46 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 10]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The last sentence of section 10.10 (a) is amended to read as follows: "However, he need not give up points for meat which has a zero point value or for cuts of meat which contain only meat having a zero point value."

This amendment shall become effective July 2, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; War Food Order No. 56, 8 F.R. 2004, 9 F.R. 4319; War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319; War Food Order No. 59, 8 F.R. 3471, 9 F.R. 4319; War Food Order No. 61, 8 F.R. 3471, 9 F.R. 4319)

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–9529; Filed, June 29, 1944; 11:45 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[2] Amdt. 68]

SHELL JEWELRY IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10742, 10757, 13125, 14155, 15985; 9 F.R. 2746, 3513, 4433, 4611, 4779, 5736, 6111.

[1] 9 F.R. 6772, 6825.

[1] 9 F.R. 6731.

[2] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 15862, 16866, 16997, 17201; 9 F.R. 173, 393, 580, 584, 1158, 1487, 1489, 1528, 1530, 2177, 2659, 2660, 3153, 3232, 3341, 3967, 3947 3945 4351, 4783, 4821, 4785, 4819, 5168, 5438, 5482.

Section 50 is amended to read as follows:

SEC. 50. *Maximum prices for certain shell jewelry manufactured in the Territory of Hawaii*—(a) *Maximum prices for Niihau shell leis.* (1) Maximum prices for sales in the Territory of Hawaii of Niihau shell leis shall be:

	Size	Maximum wholesale price	Maximum retail price
Leis made exclusively of white Niihau shells (momi keokeo or white Niihau shells mixed with lesser amounts of Niihau colored shells.	30" strand..	$1.00	$1.50
Leis made exclusively of Niihau yellow or tan colored shells (momi lenalena), except as varied by small admixtures of other Niihau colored shells.	30" strand..	1.25	1.90
Leis made exclusively of Niihau small pink, red, or brown shells known as kahelelani, or of kahelelani varied with small amounts of other Niihau colored shells.	30" strand..	1.50	2.25

(b) *Maximum prices for jewelry made with cowry shells and cat's eyes*—(1) *Manufacturer's maximum prices.* If you are a manufacturer of any item of jewelry made from cowry shells or cat's eyes, you determine your maximum prices for such items in the following manner: First, multiply the number of shells used by the price per shell listed in the Shell Price Table below, for the type and size of shell used. To this amount add the net cost of other materials used in the article being manufactured, which in no case may be higher than the maximum wholesale price. Then multiply this total by 1.50. The resulting price is your maximum price.

SHELL PRICE TABLE

Type	Size	Price
		Each
Cowry shell...	Small, ¾" long or less.....	$0.05
Cowry shell...	Medium, ⅞" to 1¼" long.....	.10
Cowry shell...	Large, over 1¼" long.....	.15
Cat's eye.....	Small, ½" long or less.....	.50
Cat's eye.....	Medium, ⅝" to ¾" long.....	.75
Cat's eye.....	Large, over ¾" long.....	1.00

(2) *Retailer's maximum prices.* If you are a retailer, you determine your maximum prices for sales of any item of jewelry made from cowry shells or cat's eyes in the following manner: First, multiply your manufacturer's selling price by 1.50. Then adjust this amount to the nearest nickel. The resulting price is your maximum price.

(c) *Inability to determine maximum prices.* If you are unable to determine your maximum price for any article covered by this section, you shall apply to the Office of Price Administration for the establishment of a maximum price.

(d) *Definitions.* (1) "Shell jewelry" means all jewelry made of, set or mounted with natural shells or parts of shells.

(2) "Cowry shell" is the solid oval or pear-shaped shell of a genus of good-sized mollusks. There are many species of cowries, differing both in color and size. Money cowries, ring cowries, gold-ringer cowries, measled cowries, tiger cowries, humpback cowries, and leho are among the names commonly given to these shells.

(3) "Cat's eye" is the thick calcareous operculum to a turbine shell. A cat's eye is convex on the exterior and polished, with ordinarily a bright green spot in the center.

(4) "Other materials used" include such materials as chains, pins, earrings, rings, etc., which are used in the manufacture of jewelry made with cowry shells and cat's eyes, but do not include cotton or other material used for packing the shells, cement, and similar incidental supplies.

(5) "Net cost" is the amount the manufacturer paid his supplier (a manufacturer or wholesaler) for "other materials used" less all discounts and allowances.

(6) "Niihau shell leis" mean leis made exclusively of shells commonly known in the Territory of Hawaii as Niihau shells.

This amendment shall become effective as of June 19, 1944.

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9517; Filed, June 29, 1944; 11:49 a. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 2]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.* To the extent that this regulation operates to compel changes in the business practices, costs practices or methods, or means or aids to distribution established in the industry affected, the Administrator has found that such action is necessary to prevent circumvention or evasion of this regulation.

RESTAURANT MAXIMUM PRICE REGULATION 2—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

Sec.

1. Ceiling prices for "eating and drinking establishments" in operation during April 4 to 10, 1943.
2. Rules for establishments not in operation during April 4 to 10, 1943, but in operation before July 31, 1944.
3. Rules for new establishments.
4. Rules for establishments offering new classes of meals, food items, or beverages.
5. OPA approval and revision of prices established under sections 3 and 4.
6. Seasonal items.
7. Transfer of business.
8. Rules for seasonal operators.
9. Rules for operation of several establishments.
10. Moving your establishment or changing type of operation.
11. Taxes.
12. Prohibitions.
13. Permitted practices.
14. Records.
15. Filing of menus.
16. Posting.
17. Adjustments.
18. Exempt sales.
19. Definitions and explanations.
20. Violations.
21. Petitions for amendment.
22. Authority of local War Price and Rationing Boards.
23. Delegation of authority.
24. Special orders.
25. Relation to other price regulations.
26. Geographical application.

AUTHORITY: Secs. 1 to 26, inclusive (§ 1448.-802), issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

NOTE: The meaning of certain terms in this regulation is further explained and defined in section 19. The terms explained and defined are put in quotation marks the first time they appear.

SECTION 1. *Ceiling prices for "eating and drinking establishments" in operation during April 4 to 10, 1943.* You must observe all the following rules:

(a) *General rule.* Your ceiling price for any "meal," "food item," or "beverage," except coffee, is the highest price at which you offered the same meal, food item, or beverage between April 4 and 10, 1943.

(b) *New meals, foods items, or beverages.* If you did not "offer" a particular meal, food item, or beverage between April 4 and 10, 1943, figure your ceiling price as follows:

(1) If you offered it at any time between March 7 and April 3, 1943, and you have and retain menus or other records of the prices you charged then, your ceiling price is the highest price at which you offered that particular meal, food item, or beverage during that period.

(2) Your ceiling price for all other meals, food items, or beverages is a price "in line" with your other ceiling prices. A price for a meal (or food item or beverage) is "in line" with the price of another meal (or food item or beverage) if the customer gets the same value for his money in terms of quality and size of portions and if the margin over current raw food costs is the same. Any ceiling price figured under this subparagraph (2) cannot be more than the highest price at which you offered a meal, food item or beverage of the same class between April 4 and 10, 1943 (see paragraph (d) below). If you did not offer a meal, food item, or beverage of the same class during April 4 to 10, 1943, figure your price under section 4 below.

(c) *Coffee.* Your ceiling price for hot coffee is the highest price you charged (or if you were not in business then, your closest competitor of the same type charged) between October 4 and 10, 1942. However, before you may charge more than five cents per cup or pot (including cream and sugar), you must file a statement with your local "War Price and Rationing Board", showing that your price (or if you were not in business then, the price of your closest competitor

*Copies may be obtained from the Office of Price Administration.

of the same type) was more than five cents during that period. If your establishment is subject to Restaurant Maximum Price Regulation No. 1,[1] the statement must be filed with the Restaurant Price Branch, Office of Price Administration, Washington, D. C. The statement must be in the following form:

This is to certify that our prices (or where applicable, our competitor's prices) for hot coffee during the week of October 4 to 10, 1942, were as follows:

Per cup_____ —— *Cents*
Per pot (containing ____ cups____ —— *Cents*
Signed_____
Proprietor
_____
Name of establishment
_____
Address of establishment

If you had price differences depending on class of meal or beverage (see paragraph (d) below), show them in the statement. You must keep a copy of the statement in your establishment for inspection by any person.

(d) *Classes of meals, food items, and beverages: Basic rule.* Meals, food items, and beverages are divided into classes (see paragraph (e) below for a description of these classes). With the exceptions listed below, you may not charge more for any meal, food item, or beverage than the highest price at which you offered a meal, food item, or beverage of the same class during the base period April 4 to 10, 1943 (October 4 to 10, 1942, in the case of coffee, and March 7 to April 3, 1943, for particular meals, food items, or beverages offered then but not during April 4 to 10, 1943, as stated in paragraph (b) (1) above).

(1) If you customarily charged higher prices on holidays, such as Thanksgiving, Christmas, or New Year's Day, you may continue to charge the higher prices on such holidays. But your prices for holidays may not be more than fifteen percent higher than your Sunday prices for meals, food items, or beverages of the same class.

(2) Your ceiling prices for New Year's Eve are the prices you charged on New Year's Eve 1942, for meals, food items, and beverages of the same class. You must keep available for inspection menus or records of the prices you charged on New Year's Eve 1942.

(e) *Classes of meals, food items, and beverages: Description.* The "class" in which any meal, food item, or beverage belongs depends on the following tests:

(1) Whether the food item, the beverage, or the entree (main dish) of the meal falls into one of the groups listed in Appendix A. For example, steak dinners are in a different class than fish dinners, and steak dinners are in a different class than steak served a la carte;

(2) What it is usually called; for example, breakfast, lunch, afternoon tea, dinner, supper;

(3) The day of the week or the time of the day it is served, if that has been a customary basis for charging different prices; for example, a Sunday meal is in a separate class if you customarily charged different prices on Sunday during the base period stated in paragraph (d) above;

(4) The nature of the service you give, if that was a customary basis for charging different prices during the base period stated in paragraph (d) above, for example, banquets, special group luncheons, hotel room service are separate classes of meals, food items, or beverages, if you customarily charged different prices for them during the base period.

The class into which a meal, food item, or beverage belongs may depend on more than one of the tests listed above. To decide the proper class you must use all the tests which apply. For example, if you charged the same price for a particular meal, food item, or beverage whenever you served it during the base period stated in paragraph (d) above, you must use only the first test. On the other hand, if you charged different prices at different times of the day or on different days of the week during the base period, you must use at least the first and third, and any other tests which apply. For example, a steak dinner served on Sunday in a guest room in a hotel may require you to use all the tests listed.

EXPLANATORY SUMMARY OF ABOVE RULES

You must not charge more for any meal, food item, or beverage than the highest price at which you offered the same meal, food item, or beverage in the base period stated in paragraph (d) above. In addition, you must not charge more for any meal, food item, or beverage than the highest price at which you offered a meal, food item, or beverage of the same class during the base period. This means that if you sell a meal, food item, or beverage that you did not sell during the base period, your price for it canont be more than your ceiling price for a meal, food item, or beverage of the same class sold during the base period. It does not mean that your ceiling price for any item is the highest price you charged for an item of that class during the base period. For example, you will note in Appendix A that roasts and hamburger are in the same class. If you served a roast for 75 cents during the base period and hamburger for 50 cents, 75 cents is your ceiling price for a roast and 50 cents is your ceiling price for hamburger. You cannot charge 75 cents for hamburger just because you charged 75 cents for a roast and they are both in the same class. However, if you introduce a new item of the same class (for example, swiss steak), your price for that may go as high as 75 cents but only if the customer received the same value in terms of quality and size of portion and your margin of the raw food cost is about the same as for the roast or another item in the same class.

(f) *Substitution of food items.* You may substitute for any food item or beverage in a meal any other food item or beverage not offered during April 4 to 10, 1943, without refiguring your ceiling price only if the substitute food item or beverage costs at least as much and also gives customers at least the same value as the food item or beverage substituted and is in the same class. Otherwise, you must refigure your ceiling price for the meal in accordance with paragraph (b) above.

(g) *Price ranges of meals, food items and beverages.* (1) Your customers must be given a choice of meals, food items, and beverages in the same price ranges as they had during April 4 to 10, 1943, or your first week of operation if you were not open then.

(2) You must offer at least as many meals, food items, or beverages in each price group at and below your middle price group as you did during April 4 to 10, 1943, or your first week of operation if you were not open then. Your middle price is the price nearest the middle of your price range. For example, if you had two breakfasts at 25 cents, three at 30 cents, and two at 35 cents, 30 cents is your middle price group, and you must continue to offer at least two breakfasts at 25 cents and at least three at 30 cents.

SEC. 2. *Rules for establishments not in operation during April 4 to 10, 1943, but in operation before July 31, 1944.* Take as your ceiling prices the prices you properly established under the Regional or District restaurant regulation, if any, which was applicable to you. You must also observe all the rules stated in Section 1 but, in applying those rules, substitute the date of your first week of operation for April 4 to 10, 1943, wherever it appears in section 1. If no restaurant regulation was applicable to you, figure your price under section 3.

SEC. 3. *Rules for new establishments.* This section applies to establishments which opened after July 31, 1944, and also to establishments which opened after April 10, 1943 and before July 31, 1944, but were not subject to Regional or District restaurant regulations.

(a) *Competitor's prices.* Take as your ceiling price the ceiling price of your closest competitor of the same type (in the same locality).

(b) *Application for prices.* If there is no competitor of the same type in the same locality, you must file an application with your OPA District Office for approval of ceiling prices in line with the level of ceiling prices otherwise established by this regulation. The application must contain the following information and any other information which OPA may request:

(1) Your name and address and the name and address of your establishment.

(2) A brief description of the business you operate or plan to operate, giving such information as seating capacity, estimated number of people to be served, type of equipment, and type of establishment. Also submit a copy of your proposed menu if you have one.

(3) Your ceiling prices or proposed ceiling prices and classes of meals, food items, or beverages you serve or plan to serve. In preparing the list use the classes of food items and beverages listed in Appendix A.

(4) The date you open or plan to open.

(5) The names and addresses of the two nearest establishments most like yours.

SEC. 4. *Rules for establishments offering new classes of meals, food items, or beverages*—(a) *Competitor's prices.* If you cannot figure a ceiling price for a new class of meals, food items, or beverages under the above sections, take as your ceiling price the ceiling price of your closest competitor of the same type (in the same locality).

[1] 8 F.R. 8845, 12557, 15254, Food and Drinks sold for Immediate Consumption in Dining Cars.

(b) *Application for prices.* If there is no competitor of the same type in the same locality offering that class of meals, food items, or beverages, you must file an application with your OPA District Office for approval of ceiling prices in line with the level of ceiling prices otherwise established by this regulation. The application must contain the following information and any other information which OPA may request:

(1) Your name and address and the name and address of your establishment.

(2) A brief description of the business you operate, giving such information as seating capacitly, number of people served per day, gross sales for the last thirty days, type of equipment, and type of establishment. Also submit a copy of your present menu.

(3) The additional meals you plan to serve and the proposed ceiling prices with their raw food costs;

(4) The names and addresses of the two nearest establishments most like your, offering the same type of menu you plan to serve.

SEC. 5. *OPA approval and revision of prices established under Sections 3 and 4.* (a) You may not sell the meals, food items, or beverages for which maximum prices are requested under section 3 (b) or section 4 (b) until those prices have been approved by OPA, but the proposed prices shall be considered approved twenty days after mailing the application (or all additional information which may have been requested), unless, within that time, OPA advises you that your prices have been disapproved.

(b) OPA may at any time disapprove or revise ceiling prices proposed or established under sections 3 and 4 so as to bring them into line with the level of ceiling prices otherwise established by this regulation for eating and drinking places in the same area.

SEC. 6. *Seasonal items.* Figure your price for a seasonal food item as follows: First, figure your price under the applicable section of this regulation. You must reduce that price to the extent necessary to reflect seasonal changes in raw food costs, but you cannot increase your price even if your costs increase. However, you need not reduce your ceiling price for a seasonal item if, in accordance with your customary practice, it was based upon estimated average raw food costs for the entire season and you customarily charged the same price during the entire season. A "seasonal food item" is one that you usually sell only during certain times of the year, such as fresh oysters, fresh trout, fresh corn on the cob, fresh berries, and fresh melons.

SEC. 7. *Transfers of business.* If you lease or acquire another's business, assets, or stock in trade, your ceiling prices and your duties under this regulation are the same as those of the previous proprietor. He must turn over to you all records which are necessary to enable you to comply with the records and filing provisions of this regulation.

SEC. 8. *Rules for seasonal operators.* If your establishment was in operation during April 4 to 10, 1943, and if more than 80 percent of your volume is customarily done in a seasonal period of not more than four months, you may, during that seasonal period, charge prices no higher than you charged for meals, food items, or beverages of the same class during the same seasonal period in 1943. At the end of the season and until the season starts again, you may not charge more than your ceiling prices figured under section 1.

SEC. 9. *Rules for operation of several establishments.* (a) If you own or operate more than one establishment, you must do everything required by this regulation for each place separately.

(b) If you own or operate more than one establishment and close one and open another in the same neighborhood, your ceiling prices and duties for the new establishment under this regulation are the same as the one you closed.

(c) If you own or operate more than one establishment located in two or more OPA districts and have established or want to establish the practice of charging uniform prices in all or certain of your establishments, you may apply for a uniform pricing order to the Restaurant Price Branch, Office of Price Administration, Washington 25, D. C. The application should contain the information required by Revised Supplementary Order No. 13.[2] The Price Administrator may on his own motion establish prices for sellers owning or operating more than one establishment and may for this purpose require sellers to furnish necessary information.

SEC. 10. *Moving your establishment or changing type of operation.* If you move your establishment or change your type of operation, you must keep the same prices and observe the same requirements as before. However, if you make a major change in your type of operation and your ceiling prices cause you substantial hardship, then, upon application by you before you change your type of operation, or within twenty days thereafter, the Office of Price Administration may establish different prices. You must file such application with your District Office and furnish all the information required by paragraph (b) of section 3 and show how your present prices would cause you substantial hardship.

SEC. 11. *Taxes.* If during April 4 to 10, 1943, you stated and collected, separately from the price you charged, the amount of any tax on the sale of food or beverage (or on the business of selling food or beverage if the tax is measured by the number or price of the meals, food items, or beverages), you may continue to do so. You may also state and collect separately the amount of any new tax or increase in a tax of that kind.

SEC. 12. *Prohibitions*—(a) *Sales at higher than ceiling prices.* If you own or operate an eating or drinking establishment, you must not sell or offer any meal, food item, or beverage at a price higher than the ceiling price (maximum price) established by this regulation. Of course, you may charge lower prices than your ceiling prices at any time.

[2] 9 F.R. 5791.

(b) *Evasive practices.* You must not do anything which will result in an evasion of this regulation, including the following:

(1) You may not drop food items from meals or reduce the quantity or quality of any meal, food item or beverage, unless you reduce your price accordingly. The rule for figuring the lower "in line" ceiling price is stated in subparagraph (2) of section 1 (b).

(2) You may not increase your price for a meal, food item or beverage because of an improvement in the quality or increase in the quantity of the food, or beverage served or the addition or substitution of side dishes.

(3) You may not withdraw the offer, or increase the price, of any meal ticket, weekly rate, or other arrangement, by which customers may buy food for less than when they buy it by item or meal.

(4) You may not increase any cover, minimum, bread-and-butter, service, corkage, entertainment, checking, parking, or other special charges, or increase any extra charge for the sale of a food item or meal to be eaten off the premises, or make any of these charges that were not in effect on April 4 to 10, 1943. However, a cover or minimum charge in effect April 4 to 10, 1943, may be increased where it was your practice to vary the charge in accordance with the type of entertainment offered, and the increase does not cause the charge to go above the highest charge made in 1943 under the same conditions. If during April 4 to 10, 1943, you had any of the above charges on one or several days of the week or at certain times of the day, you may not make the charge on other days of the week or other times of the day.

(5) You may not drop a "no tipping" practice, unless you reduce your price accordingly.

(6) You may not require, as a condition of selling a meal, food item, or beverage, the purchase of other meals, food items, or beverages, unless expressly required to do so by State or local laws.

(7) You may not reduce the selection of meals offered at table d'hote prices when the food items you customarily offered in such meals are being offered at a la carte prices which, when added together, total more than the table d'hote prices for the complete meals or give your customers less value for their money.

(8) You may not make merely a token offering of meals, food items, or beverages in required price ranges or price groups at or below your middle price group (see section 1 (g))—that is, not prepare and offer enough to meet expected demands.

SEC. 13. *Permitted practices.* You may do any of the following things when necessary because of rationing or allocation restrictions even though you did not do them during April 4 to 10, 1943:

(1) You may limit your customers to one pat of butter per meal, or eliminate it entirely. If you drop it altogether, you must serve with each meal a substitute, such as jam, jelly, marmalade, peanut butter, etc.;

(2) You may drop or reduce the quantity of condiments, such as ketchup, chili sauce, etc.;

(3) You may reduce the amount of sugar served with any beverage or food item;

(4) You may limit the amount of cream served with any food item or beverage or you may supply milk.

However, if you continue to serve these items as you did during April 4 to 10, 1943, or your first week of operation if you were not open then, you cannot make any additional charge for them.

SEC. 14. *Records*—(a) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the OPA.

(b) *Records of the base period.* You must keep available for examination by any person during business hours a copy of each menu used by you during April 4 to 10, 1943, or if you did not use menus, a list of the highest prices you charged during April 4 to 10, 1943 or your first week of operation if you were not open then.

(c) *Future records.* You must keep for examination by the OPA two each of the menus used by you each day. If you did not use menus, you must prepare in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same meals, food items or beverages. If you customarily used menus you must continue to use them.

SEC. 15. *Filing of menus.* (a) If you open for business after July 31, 1944, you must file with your War Price and Rationing Board, within three weeks after the first Sunday of operation, a copy of each menu, bill of fare, or other price list of meals, food items, and beverages, as well as a copy of any special charges, such as cover, minimum, bread-and-butter, service, corkage, entertainment, checkroom, and parking in use during the seven day period beginning with the first Sunday that your place was open for business. If you did not use menus, bills of fare, or price lists in that period, or if you did not list all meals, food items, or beverages then offered, you must file with the Board a list in menu form showing the prices which you charged during the seven-day period for meals, food items or beverages which are not shown on any menus, bills of fare or price lists, which you may file hereunder. Each menu or list so filed must be signed by you, and must also have upon it the name and address of your establishment. You must keep a copy of each such menu or list.

(b) *Failure to comply with filing requirements of General Order No. 50.* (1) If you have not filed signed and complete menus, bills of fare, price lists, or records of special charges (such as cover, minimum, bread-and-butter, service, corkage, entertainment, checkroom, or parking charges) with your War Price and Rationing Board as was required by General Order No. 50, you must file them with your War Price and Rationing Board within ten days after the effective date of this regulation. Such prices as filed are subject to approval by the Office of Price Administration. A copy of the applicable filling provisions of General Order 50 may be found in Appendix B of this regulation.

(2) If you did not comply with the filing provisions of General Order No. 50, and do not do so within the ten days provided, you may not sell any meal, food item, or beverage or collect any special charge for which you have not made a proper filing until you have made a proper filing with your War Price and Rationing Board and until your filed prices have been approved by the Office of Price Administration.

(3) If the Office of Price Administration finds that your prices filed under this paragraph (b) are excessive in relation to the ceiling prices of other comparable establishments in the same area, it may issue an order establishing ceiling prices for your business in line with those other ceiling prices.

SEC. 16. *Posting*—(a) *Statement on menus.* Beginning July 31, 1944, each menu used by you must have clearly and plainly written on it, or attached to it, either the statement previously required under any Regional or District restaurant regulation, or the following statement:

> All prices are our ceiling prices or below. The ceiling is based on prices charged by us from April 4 to 10, 1943. Our menus (or price lists) for that week are here for your inspection.

If your prices are established under section 3, substitute the following statement:

> All prices are ceiling prices or below. By OPA regulation, our ceiling prices must be in line with competitive prices charged from April 4 to 10, 1943. Our menus (or price lists) for our first week of operation are here for your inspection.

(b) *Establishments that do not use menus.* If you do not use menus, you must post the appropriate statement quoted above at a place or places where it can easily be read by your customers, and you must also post your prices for meals and food items and beverages currently offered by you at a place or places where they can easily be read by your customers.

(c) *Posting of 40 basic items.* Each Office of Price Administration District Director is authorized and directed to issue a posting order requiring every eating and drinking establishment in his district to post its ceiling prices for 40 basic meals, food items, or beverages to be selected by him. The posting order shall conform substantially to the specimen order set forth in Appendix C. Posting orders need not be issued for the Metropolitan Area of San Francisco, Calif.; St. Charles, Missouri; Muskogee, Oklahoma; and Pulaski County, Arkansas, so long as the existing specific dollars and cents ceiling prices for food items and meals sold by eating and drinking establishments in those areas are in effect.

SEC. 17. *Adjustments.* (a) OPA may adjust the ceiling prices for any eating or drinking establishment under the following circumstances:

(1) The establishment is operating under such financial hardship as to cause a substantial threat to the continuance of its operations; and

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all eating or drinking services or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals, food items or beverages offered, capacity, or transportation; and

(3) By reason of such discontinuance, the same meals, food items, or beverages will cost the customers of the eating or drinking establishment as much as or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating or drinking establishment which satisfies the above requirements, you may apply for an adjustment of your maximum prices by submitting in duplicate to your OPA District Office a statement setting forth:

(1) Your name and address and the name and address of your establishment.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch, and dinner), number of persons served per day during the most recent thirty-day period, and any other information which is necessary to describe your establishment and the nature and extent of your operation.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested, adjusted prices.

(6) Detailed profit and loss statements for the establishment for (i) the most recent three-month accounting period, (ii) the preceding fiscal or calendar year prior to the date of your application, and (iii) the fiscal or calendar year approximating the year 1942.

(7) Such other information as your OPA District Director may require.

(c) Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

SEC. 18. *Exempt sales.* Sales by the following eating or drinking establishments, or persons, are specifically exempt from the provisions of this regulation:

(a) Hospitals, except for food items and meals served to persons other than patients if a separate charge is made for such meals and food items;

(b) Eating and drinking places operated by a school, college, university, or other educational institution or a student's fraternity or other students' organization or association primarily for the convenience or accommodation of students and faculty and not for profit as a commercial or business enterprise or undertaking;

(c) Eating and drinking places owned or operated by charitable, religious, or cultural organizations, recognized as such by the Bureau of Internal Revenue and exempt from payment of income

tax by reason thereof, where no part of the net earnings inures to the benefit of any private shareholder or individual, and the net profits, if any, are devoted to religious, charitable, or cultural purposes;

(d) Eating cooperatives formed by officers in the Armed Forces (as, for example, Officers' Mess) operated without profit;

(e) Bona fide clubs which file with their OPA District Office a statement setting forth that:

(1) The club is a non-profit organization and is recognized as such by the Bureau of Internal Revenue;

(2) It sells food items and meals only to members and bona fide guests of members;

(3) Its members pay dues of more than merely nominal amounts (the amount of dues paid by each class of members and the period covered by such dues should be indicated), and are elected to membership by a governing board, membership committee or other body;

(4) It is otherwise operated as a club and not primarily as an eating or drinking establishment.

If OPA finds that the establishment does not satisfy the above requirements of a bona fide club, it will notify it in writing that it is not exempt from this regulation.

No club organized after the effective date of this order shall be exempt unless and until it has filed a request for exemption with its District Office, furnishing the above information, as may be required, and has been exempted in writing by OPA.

SEC. 19. *Definitions and explanations.* (a) "Eating or drinking establishments" includes any place, establishment, or location, whether temporary or permanent, at or from which any meals or prepared food or beverages are sold and any place from which food items and beverages (whether prepared or not) are sold primarily for consumption on the premises. The term eating and drinking establishment includes, but is not limited to, establishments such as restaurants, hotels, cafes, cafeterias, delicatessens, soda fountains, boarding houses, catering establishments, athletic stadiums, field kitchens, luncheon wagons, hot dog carts, etc.

(b) "Beverage" means any drink listed in Part II of Appendix A of this regulation.

(c) "Food item" means an article or portion of food sold or served by an eating or drinking establishment to be eaten there or outside without change in form or additional preparation. It may include two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(d) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food prepared or served to be eaten together as one dish are not a "meal."

(e) "Offer" means offer for sale and includes the listing or posting of prices for meals, food items, or beverages, even though such meals, food items, and beverages so offered were not actually on hand to be sold.

(f) "OPA District Office" means the district office of the Office of Price Administration for the district in which your eating or drinking establishment is located.

(g) "OPA Regional Office" means the regional office of the Office of Price Administration for the region in which your eating or drinking establishment is located.

(h) "War Price and Rationing Board" means the War Price and Rationing Board of the Office of Price Administration for the area in which your establishment is located.

SEC. 20. *Violations*—(a) *License suspension.* The provisions of Licensing Order No. 1 licensing all persons who make sales under price control apply to you. Your license may be suspended for violation of the provisions of any applicable price regulation. If your license is suspended, you may not, during the period of suspension, make any sale for which your license has been suspended.

(b) *Civil and criminal action.* If you violate any provisions of this regulation, you are subject to the criminal penalties, civil enforcement actions, licensing suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

SEC. 21. *Petitions for amendment.* If you seek a change in this regulation affecting eating and drinking establishments generally, you may file a petition for amendment in accordance with Revised Procedural Regulation No. 1.

SEC. 22. *Authority of Local War Price and Rationing Boards.* Each Regional Administrator may instruct any or all of the War Price and Rationing Boards in his region to receive complaints from the public, investigate prices charged by proprietors, hold hearings on prices charged by proprietors either on complaint or on its own motion and make appropriate recommendations to its District Office.

SEC. 23. *Delegation of authority.* Each Regional Administrator, and each District Director so authorized by his Regional Administrator, may establish, approve, disapprove, revise, or adjust maximum prices or act with respect to exemptions of bona fide clubs in accordance with the appropriate provisions of sections 3, 4, 5, 10, 15, 17 and 19 of this regulation.

SEC. 24. *Special orders.* The Price Administrator may from time to time authorize any Regional Administrator or District Director to issue special orders establishing ceiling prices for meals, food items, and beverages which, when issued, will supersede and take the place of this regulation with respect to the sales covered by such orders.

SEC. 25. *Relation to other price regulations.* (a) This regulation supersedes and takes the place of all restaurant regulations issued by OPA Regional Administrators or District Directors. Since this regulation keeps many of the same basic pricing provisions, most of your ceiling prices under it will be the same as those you properly established under these restaurant regulations. This regulation shall not supersede Revised Maximum Price Regulation 319[3] Certain bakery products. It shall, however, supersede and take the place of all other price regulations insofar as they establish ceiling prices for food and drink sold in eating and drinking establishments. However, any price you charged during April 4 to 10, 1943 (or other appropriate base period) shall not be your ceiling price if it exceeded your ceiling price under any other regulation applicable at that time.

(b) Supplementary Order No. 79[4] is hereby revoked.

(c) Except with respect to orders heretofore issued fixing specific dollars and cents ceiling prices for meals, food items and beverages and with respect to amendments to such orders which have been or may be issued, the authority delegated to Regional Administrators and District Directors under paragraph (e) of General Order No. 50[5] to fix maximum prices for meals, food items and beverages is hereby withdrawn.

(d) Except for coffee, this regulation does not supersede (1) any order heretofore issued by Regional Administrators or District Directors fixing specific dollars-and-cents ceiling prices for meals, food items, or beverages; (2) ceiling prices specifically established in orders heretofore issued granting applications for adjustment under restaurant regulations issued by the Regional Administrators or District Directors, or (3) Restaurant Maximum Price Regulation No. 1; or (4) Supplementary Order No. 80.[6]

SEC. 26. *Geographical application.* This regulation applies to the 48 States of the United States and the District of Columbia.

This regulation shall become effective July 31, 1944.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Report Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

APPENDIX A—GROUPS OF FOOD ITEMS, ENTREES, AND BEVERAGES

The groups of food items, beverages, or entree (main dish) of the meal are as follows:

I. *Food items or entree of meals:*

1. Fruit juices, vegetable juices, and similar items.
2. Appetizers, all types except alcoholic, fruit juices, vegetable juices, etc.
3. Cereals.
4. Eggs and combination egg dishes.
5. Bread, rolls, buns, toast, doughnuts, and similar items.
6. Jam, jellies, preserves, condiments, and similar items.
7. Griddle cakes, waffles, and similar items.
8. Soups, including jellied soups.

[3] 9 F.R. 3705, 4224, 4882.
[4] 8 F.R. 16738, 17277.
[5] 8 F.R. 4808.
[6] 9 F.R. 3338, 3581.

9. Steaks; T-bone, sirloin, porterhouse, tenderloin, and prime rib of beef.
10. Beef; steaks other than class 9, roasts, pot roasts, hamburgers, ground beef items, and similar items.
11. Veal; steaks, cutlets, chops, roasts, and similar items.
12. Pork; steaks, chops, ham, roasts, and similar items, except when served with eggs.
13. Lamb or mutton; chops, roasts, and similar items.
14. Prepared dishes such as stews, casseroles, meat pies, ragouts, curries, and similar items.
15. Miscellaneous and variety meats, such as livers and kidneys, and similar items.
16. Chicken; including broiled, fried, fricasee, creamed, and similar items.
17. All other poultry, including roast chicken.
18. Game.
19. Fish.
20. Shell fish, including seafood platters and related stews.
21. All other prepared dishes, such as spaghetti and combinations, vegetable platter, baked beans and combinations, and Welsh Rarebit.
22. Chop suey, chow mein, and other Chinese foods.
23. Vegetables and salads, served as side dishes.
24. Salads served as main course in meal.
25. Cake, cookies, pies, pastries, and other baked goods.
26. Ice cream, sherbets, water ices, including combinations with syrup, cream, sodas, sundaes, milk shakes, and other soda fountain items including ice cream.
27. Seasonal specialties; including but not limited to watermelons, cantaloupes, fresh fruits and fresh berries.
28. Fruits, puddings, cheese, and other dessert items.
29. Cold sandwiches with or without garnishings, salads, and vegetables.
30. Cold cut platters with or without garnishings, salads and vegetables.
31. Hot sandwiches, with or without garnishings, salad and vegetables.
32. Coffee, cocoa, chocolate, tea, milk, postum, and similar items, served hot or cold.

II. *Beverages:*

1. Non-alcoholic beverages, including soft drinks not containing ice cream, sparkling and mineral waters.
2. Bottled malt beverages including beer, ale, near-beer, and similar beverages.
3. Draft malt beverages.
4. Wines, including sparkling wines.
5. Liquors, including whiskeys, gins, rums, brandies.
6. Cordials, including fruit liquors.
7. All other alcoholic beverages, including mixed drinks and cocktails.

APPENDIX B—FILING PROVISIONS OF GENERAL ORDER 50

General Order No. 50 contained the following filing provisions:

(a) *Filing of menus.* On or before May 1, 1943, every proprietor of a restaurant, hotel, cafe, dining car, bar, delicatessen, soda fountain, catering business, or other eating or drinking place, shall file with the War Price and Rationing Board for the area in which each of his places is located a true copy of each menu, bill of fare, or other price list of food items, including beverages, and meals (called "menu") in use at that place during the seven-day period beginning Sunday, April 4, 1943 and ending April 10, 1943. If no menu was in use in that period, or if the menus in use did not list all food items or meals then offered, the "proprietor" shall file with the Board a list in menu form showing the prices which he charged during the seven-day period for food items or meals which are not shown on any menus he may file hereunder. Each menu or list so filed shall be signed by the proprietor or by one of his responsible officers or employees. A copy of each such menu or list shall be retained by the proprietor.

(b) *Filing by new proprietors.* The proprietor of an eating or drinking place which was not open during all of the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a), except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

APPENDIX C—MODEL FOR DISTRICT POSTING ORDER

OFFICE OF PRICE ADMINISTRATION

————District Office, Region——

Order No. —— Under Restaurant Maximum Price Regulation No. 2

POSTING ORDER

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the ———— District Office of the Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

SEC. 1. *Posting requirements.* If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this Order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each. If you find in Appendix A several tables of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

SEC. 2. *Filing of lists of posted prices.* When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of this list, and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment, with the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment, and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a conference, so that corrections can be made.

SEC. 3. *Replacement of posters.* If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

SEC. 4. *Geographical applicability.* The provisions of this order extend to all eating and drinking establishments located within the ———— District of the Office of Price Administration.

SEC. 5. *Exemptions.* All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from this order.

This order shall become effective August 9, 1944.

NOTE: The reporting and record-keeping provisions of ———— have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 5681)

Issued this day of July 1944.

————,
District Director.

[F. R. Doc. 44-9522; Filed, June 29, 1944; 11:49 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 35]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 426 is amended in the following respects:

1. In section 5 the word "shipper" and the word "consignee" are amended to read "country shipper" and "ultimate consumer" respectively, and a sentence is added to read "However this exemption does not apply to sales by sellers other than growers or country shippers".

2. In section 15, Appendix H is amended in the following respects:

a. Footnote 3 to Table 1 in paragraph (b) is amended to read as follows:

[3] The maximum price for bunched carrots sold in bulk (loose without containers) shall be 10 cents per dozen bunches less than the appropriate price listed in column 5, 6 or 7. The maximum price in columns 5 and 6 for clipped topped or topped carrots shall be reduced ½ cent per pound for sales in

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16409, 16249, 16519, 16423, 17372; 9 F.R. 790, 902, 1581, 2008, 2023, 2091, 2493, 4030, 4086, 4088, 4439, 4786, 4787, 4877, 5926, 5929, 6104, 6108, 6420, 6711.

bulk. The maximum price in column 7 for clipped topped or topped carrots shall be reduced 1/10 cent per pound for sales in bulk and in calculating that price the column 6 price for sales in bulk shall be used.

b. Table 6 in paragraph (b) is amended by adding the word "from" before the words "Nogales, Arizona" in items 1–2 and 3–4 of column 6, and the words "from Pompano, Florida" before the words "plus 8 cents" in item 3–4 of column 6.

c. Table 7 is amended by deleting the words "July 1–October 31" and the phrase "To be announced later" wherever they appear, and by adding the sentence "For season beginning July 1 prices shall apply to shipping points in all states," to the headnote of column 5.

d. Items 4a, 8a, 12a, and 16a are added to Table 7 to read as follows:

TABLE 7—MAXIMUM PRICES FOR CUCUMBERS

Col. 1 Item No.	Col. 2 Type variety, style of pack, etc.	Col. 3 Unit	Col. 4 Season	Col. 5 Maximum prices f. o. b. shipping points in Florida, Louisiana, California and Iowa. For season beginning July 1 prices shall apply to shipping points in all States.	Col. 6 Maximum prices for sales delivered to any wholesale receiving point in any quantity.	Col. 7 Maximum prices for sales by certain persons in less than carlots or less than trucklots delivered to the premises of any retail store, Government procurement agency or institutional buyer.[3]
4a	Cucumbers, except hothouse cucumbers, in bushel containers with a net weight of 48 pounds or more.	Bushel	July 1–Sept. 30	$2.00, All states	Col. 5 price plus freight (including 3% transportation tax) plus actual cost of protective service furnished not to exceed the lowest common carrier charge for the same service (including 3% transportation tax).	Col. 6 price plus 75 cents.
* * *	* * *	*	*	* *	* *	* *
8a	Cucumbers, except hothouse cucumbers, in lug boxes with a net weight of 28 pounds or more.	Lug	July 1–Sept. 30	$1.17, All states	Col. 5 price plus freight (including 3% transportation tax plus actual cost of protective service furnished not to exceed the lowest common carrier charge for the same service (including 3% transportation tax).	Col. 6 price plus 45 cents.
* * *	* * *	*	*	* *	* *	* *
12a	Cucumbers, except hothouse cucumbers, in bushel containers with a net weight of less than 48 pounds and in lug boxes with a net weight of less than 28 pounds and in all other containers.[2]	Pound	July 1–Sept. 30	4.2 cents, All states	Maximum price for Item 4a above divided by 48.	Col. 6 price plus 1 9/10 cents per pound.
* * *	* * *	*	*	* *	* *	*
16a	Hothouse cucumbers in any container.	Pound	July 1–Sept. 30	11.3 cents per pound	Col. 5 price plus express (including 3% transportation tax) from Davenport, Iowa.[4]	Col. 6 price plus 2½ cents per pound.

e. In the table in paragraph (c) the markup in item 4 of column 10 for Hothouse cucumbers is amended to read 3½¢ per lb.

f. In paragraph (d) the first sentence following the headnote of subparagraph (1) is amended to read as follows:

No grower or country shipper shall receive, and no person shall pay to any grower or country shipper, an amount in excess of the maximum price f. o. b. (if sold f. o. b.) or the maximum price for delivered sales (if sold delivered) (see columns 5 and 6 of the applicable table in paragraph (b)), regardless of the type of sale or the type or purchaser, and regardless of any existing or future commitment between buyer and seller. However, this rule does not affect any allowance made to growers and country shippers for sales through agents; to ultimate consumers; delivered to the premises of retail stores, designated receiving depots of government procurement agencies, institutional buyers, intermediate sellers and retailers' warehouses; or in farmers' markets.

g. In paragraph (d) the headnote of subparagraph (2) is amended to read as follows: *"Sales by growers or country shippers direct and through brokers, shippers' sales agents, commission merchants or auctions."*

h. In paragraph (d) (2) subdivision (iv) is amended to read as follows:

(iv) For sales by growers or country shippers delivered, within a radius of 225 miles of the country shipping point, directly from the grower's farm, ranch or place of business at the country shipping point to the premises of (1) retail stores where resale is made to ultimate consumers, (2) institutional buyers, or (3) designated receiving depots of government procurement agencies, where the delivery of the particular goods being priced is made in an "original conveyance", owned or leased and operated by the grower or country shipper (and not furnished, owned or controlled, directly or indirectly, by the buyer), the maximum price in each case is the price for the listed commodity named in Column 7 of the applicable table in paragraph (b).

"Original conveyance" means the first conveyance (other than a railroad car) in which the particular goods being priced are loaded for shipment at the country shipping point.

i. Paragraph (d) (2) is amended by adding subdivisions (v), (vi), (vii) and (viii) to read as follows:

(v) For sales by growers or country shippers delivered, within a radius of 225 miles of the country shipping point, directly from the grower's farm, ranch or place of business at the country shipping point to the premises of intermediate sellers or retailers' warehouses, where the delivery of the particular goods being priced is made in an "original conveyance", owned or leased and operated by the grower or country shipper (and not furnished, owned or controlled, directly or indirectly, by the buyer), the maximum price in each case is the price for the listed commodity named in Column 6 of the applicable table in paragraph (b) plus one-half the amount named in Column 7 of the table in paragraph (c) for the unit of the listed commodity being sold.

(vi) For sales by growers or country shippers in a farmer's market located at a wholesale receiving point within a radius of 225 miles of the country shipping point, where the goods being priced have been transported to the farmer's market in an "original conveyance", owned or leased and operated by the grower or country shipper (and not furnished, owned or controlled directly or indirectly by the buyer), the maximum price in each case is the price for the listed commodity named in Column 6 of the applicable table in paragraph (b) plus the amount named in Column 7 of the table in paragraph (c) for the unit of the listed commodity being sold.

(vii) For sales by growers or country shippers to ultimate consumers, the maximum price in each case is the price for the listed commodity named in column 7 of the applicable table in paragraph (b) multiplied by 1.33. However, such price shall not exceed any applicable community price established by the Office of Price Administration.

(viii) For sales by growers and country shippers not covered by subdivisions (i) through (vii), the maximum price in each case shall be the appropriate price for the listed commodity named in columns 5 and 6 of the applicable table in paragraph (b).

3. In section 15, Appendix I is amended in the following respects:

a. Paragraph (c) is amended by adding the following undesignated paragraphs after Table 11:

For sales of citrus fruit covered by this appendix made f. o. b. shipping point by growers or country shippers, if the seller furnishes precooling, initial icing or refrigeration services in any case he may charge, in addition to the named f. o. b. shipping point price (see column 5 of the applicable table in paragraph (c)), for the services furnished not in excess of

the lowest of the following: (1) the lowest available common or contract carrier rates for the same services, (2) the amount the seller may charge for such services under Maximum Price Regulation No. 165, or (3) the applicable amount permitted for protective services in the case of sales delivered to any wholesale receiving point. However, in each case the grower or country shipper shall show separately on his invoice the specific nature of the services furnished and the amount charged for the services.

For sales of citrus fruit on a delivered basis the maximum prices named include protective service allowances which cover any precooling, initial icing, refrigeration, or other services.

b. In paragraph (e) the first sentence following the headnote of subparagraph (1) is amended to read as follows:

No grower or country shipper shall receive, and no person shall pay to any grower or country shipper, an amount in excess of the maximum price f. o. b. (if sold f. o. b.) or the maximum price for delivered sales (if sold delivered) (see columns 5 and 6 of the applicable table in paragraph (c)), regardless of the type of sale or the type of purchaser, and regardless of any existing or future commitment between buyer and seller. However, this rule does not affect any allowances made to growers and country shippers for sales through agents; for precooling, initial icing or refrigeration services in sales f. o. b. shipping point; to ultimate consumer; or delivered to the premises of retail stores, government procurement agencies and institutional buyers.

c. In paragraph (c) the headnote of subparagraph (2) is amended to read as follows: "*Sales by growers or country shippers direct and through brokers shippers' sales agents, commission merchants or terminal auctions.*"

d. Paragraph (e) (2) (iv) is amended by adding a sentence to read as follows: "However, such price shall not exceed any applicable community price established by the Office of Price Administration."

4. In section 15, Appendix J is amended in the following respects:

a. In Table B in paragraph (e) the sentence in column 3 of item No. 3 (Plums) reading "Standard 4 basket crate with net weight of less than or more than that specified for each of above sizes, and plums of any sold size packed in all other containers, and those loose and ungraded in any container, or in bulk—per pound" is amended to read as follows:

Standard 4 basket crate with net weight of less than or more than that specified for each of above sizes, and plums of any size packed in all other containers, and those sold loose and ungraded in any container, or in bulk—per pound.

b. In Table B in paragraph (e) the last sentence in Column 3 is amended by inserting the word "per" before the word "pound".

c. Paragraph (g) (2) (iii) is amended by deleting the parenthesis after the words "commission merchant".

d. Paragraph (i) (2) is amended to read as follows:

(2) To determine and publish orders naming the amounts which primary receivers may add, for deliveries made within the free delivery zone at wholesale receiving points, to the maximum prices otherwise applicable; and to determine and publish orders naming the amounts which primary receivers may add, for deliveries beyond the free delivery zone, to the maximum prices otherwise applicable. These amounts shall be figured at the lowest rates for customary and generally available means of transportation.

This amendment shall become effective at 12:01 a. m., July 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of June 1944.

CHESTER BOWLES,
Administrator.

Approved: June 26, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-9528; Filed, June 29, 1944; 11:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard: Department of the Navy

CONTROL, DOCUMENTATION AND SECURITY INTELLIGENCE INTERROGATION OF SEAMEN IN UNITED STATES

By virtue of the authority vested in the Commandant, United States Coast Guard, by the order of the Secretary of the Navy, relating to control, documentation and security intelligence interrogation of seamen in the United States of America (34 CFR, 1.3009, 9 F.R. 7204), made pursuant to Executive Order No. 9074: *It is hereby ordered*, as follows:

1. The several District Coast Guard Officers, and such officers under their direction as they may designate, are authorized and directed to take such steps, institute such measures, and issue such regulations and orders as may be necessary for security in connection with the presence of officers and seamen (including alien officers and seamen) on merchant vessels in their respective districts, including (a) any appropriate action by way of identification, investigation and interrogation of such officers and seamen for the purpose of determining whether their presence on a merchant vessel or waterfront facility would, for any reason, be inimical to the interests of the United States; (b) withholding of the issuance of licenses, certificates, employment cards, identification cards or other seamen's papers; (c) appropriate action under the Regulations Relating to the Removal and Exclusion of Persons from Vessels and Waterfront Facilities approved by the Secretary of the Navy and the President (8 F.R. 16867); and (d) appropriate approvals of persons for employment as officers and seamen on merchant vessels.

2. All agencies and authorities of the Government of the United States concerned in the matter are called upon pursuant to paragraph 2 of Executive Order No. 9074 to conform to all regulations and orders issued by the District Coast Guard Officers or their designated representatives under paragraph 1 of this order, and to give such assistance to the District Coast Guard Officers and their representatives as their available facilities will permit.

Dated: June 28, 1944.

L. T. CHALKER,
Rear Admiral, USCG
Acting Commandant.

[F. R. Doc. 44-9510; Filed, June 29, 1944; 10:43 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATION

DENTAL GOODS AND EQUIPMENT MANUFACTURING INDUSTRY

In the matter of the determination of the prevailing minimum wage in the dental goods and equipment manufacturing industry.

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Supp. III, 35), entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act.

On March 15, 1944, the Acting Administrator of the Division of Public Contracts of the United States Department of Labor issued a Notice of Opportunity to Show Cause on or before April 30, 1944, why I should not amend the prevailing minimum wage determination for the Dental Goods and Equipment Manufacturing Industry, issued by me on September 8, 1941, by increasing the prevailing minimum wage from 35 cents an hour to 40 cents an hour for the Consumable Goods Division of this Industry, and by permitting the employment of learners at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938.

The Notice sets forth that: (1) The minimum wage required to be paid by manufacturers of dental goods and equipment subject to the provisions of the Fair Labor Standards Act of 1938 became 40 cents an hour, pursuant to the Wage Orders of the Administrator of the Wage and Hour Division for the Chemical, Petroleum and Coal Products, and Allied Manufacturing Industries effective February 7, 1944, the Metal, Plastics, Machinery, Instrument, and Allied Industries effective September 13, 1943, the Rubber Products Manufacturing Industry effective July 28, 1941, and the Stone, Clay, Glass, and Allied Industries effective December 27, 1943; (2) substantially all employees subject to any prevailing minimum wage determination for the Dental Goods and Equipment Manu-

facturing Industry are engaged in commerce or in the production of goods for commerce, and consequently these Wage Orders have the effect of establishing not less than 40 cents an hour as the prevailing minimum wage in the Dental Goods and Equipment Manufacturing Industry; and (3) that it appears advisable to amend the wage determination for the Dental Goods and Equipment Manufacturing Industry by providing that learners may be employed in the Industry at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938.

This notice was sent to trade unions, trade associations, and publications and was duly published in the FEDERAL REGISTER on March 30, 1944 (9 F.R. 3431). No objections, protests, nor any statements in opposition to the proposed amendment have been received.

Upon consideration of all the facts and circumstances, I hereby determine:

§ 202.39 *Dental goods and equipment manufacturing industry.* The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35) for the manufacture or furnishing of any one or more of the hereinafter designated products of the Dental Goods and Equipment Manufacturing Industry shall be 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis; *Provided*, That learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938; *Provided further*, That apprentices may be employed in the manufacturing or furnishing of any one or more of the durable products of the industry at subminimum rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship.

DURABLE GOODS

Hand instruments, including forceps and pliers, broaches and cutting instruments, for dental use.
Dental chairs.
Dental cabinets.
Equipment units.
Dental sterilizers.
Dental gas apparatus.
Dental X-ray equipment.
Dental compressors, engines and lathes.
Dental lights.
Dental laboratory equipment, other than laboratory furniture.

Consumable Goods

Dental gold.
Dental alloy for amalgams.
Dental cement and filling materials.
Teeth, porcelain and gold.
Orthodontic appliances.
Waxes, compounds and investments.
Rubber dental materials.
Denture materials other than rubber.
Burrs, drills, and similar tools for use with handpieces.
Abrasive points, wheels and disks.

This determination shall be effective and its provisions shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after July 17, 1944.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under any law or agreement more favorable to employees than the requirements of this determination.

Until this amended determination becomes effective, my original decision of September 8, 1941, shall remain in full force and effect.

(49 Stat. 2036; 41 U.S.C. 35 (b))

Dated: June 17, 1944.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44-9480; Filed, June 28, 1944; 4:47 p. m.]

Notices

FEDERAL POWER COMMISSION.

KENTUCKY NATURAL GAS CORP.

[Docket No. G-558]

NOTICE OF APPLICATION

JUNE 27, 1944.

Notice is hereby given that on June 24, 1944, Kentucky Natural Gas Corporation, a Delaware corporation having its principal place of business in Owensboro, Kentucky, filed with the Federal Power Commission its application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the facilities hereinafter described.

Applicant asserts that it is a natural gas company as defined in the Natural Gas Act, and that it owns and operates a natural gas pipe line system in the States of Kentucky, Indiana, and Illinois. It is alleged by the applicant that its present sources of supply of natural gas have become inadequate, and that it will be necessary for it to obtain some other source or sources of supply in order to meet its peak-day requirements.

The proposed construction consists of a 16-inch gas pipe line approximately 18 miles in length, extending from the most southern point of its existing pipe line at Russellville, Kentucky, in a southeasterly direction to a proposed point of interconnection with the pipe line of the Tennessee Gas and Transmission Company now under construction. It appears from the application that Tennessee Gas and Transmission Company is willing for the applicant to establish a physical connection between the pipe line facilities of the two companies, and to discuss the execution of a contract for a natural gas supply to the applicant if and when some portion of the volume to be transported by the Tennessee Gas and Transmission Company should become available for delivery to the applicant; and that such connection might be available for emergency deliveries of natural gas to the applicant upon orders or authorization of appropriate Federal agencies.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 13th day of July 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-9506; Filed, June 29, 1944; 10:46 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4643]

UTAH WHOLESALE GROCERY, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of June, A. D. 1944.

In the matter of Utah Wholesale Grocery, a corporation, Symns-Utah Grocery Co., a corporation, Zion's Wholesale Grocery, a corporation, John Scowcroft & Sons Company, a corporation.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John W. Norwood, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, August 1, 1944, at ten o'clock in the forenoon of that day (Mountain Standard Time), in Room 246, Federal Building, Salt Lake City, Utah.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-9507; Filed, June 29, 1944; 11:25 a. m.]

[Docket No. 4981]

R. L. SWAIN TOBACCO CO., INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of June, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive

evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, July 17, 1944, at ten o'clock in the forenoon of that day (eastern standard time) in Hearing Room, Second Floor, Post Office Building, Danville, Virginia.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-9508; Filed, June 29, 1944; 11:25 a. m.]

[Docket No. 5055]

DIP NET SMELT FISHERMEN'S ASSN.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 27th day of June, A. D. 1944.

In the matter of Dip Net Smelt Fishermen's Association, an unincorporated association, and its Committee as follows: V. G. Davis, Kris Pedersen and C. W. Fisher, and its members, including the following as representatives of the members:

Walter Dixon, A. A. Fisher, Paul Plebuch and Lloyd Dixon, Columbia River Smelt Corporation, Cowlitz Smelt Corporation, Olie Soleim, doing business under the name of Central Smelt Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John W. Norwood, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, August 8, 1944, at ten o'clock in the forenoon of that day (Pacific standard time), in Room 526, Federal Building, Portland, Oregon.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for approriate action by the Commission.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 44-9509; Filed, June 29, 1944; 11:25 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 3613]

WERNER SCHOLZ

In re: Oil paintings, pastels and claim owned by Werner Scholz.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding:

1. That the last known address of Werner Scholz is Nollendorf, Strasse 10, Berlin, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Werner Scholz is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. The paintings, particularly described in Exhibit A, attached hereto and by reference made a part hereof, stored in the name of Buchholz Gallery, c/o Curt Valentin, on the premises of Hudson Shipping Co., Inc., 302 East 61st Street, New York, New York.

b. The pastel drawings, particularly described in Exhibit B, attached hereto and by reference made a part hereof, now in the possession of Curt Valentin, 32 East 57th Street, New York.

c. The pastel drawings, particularly described in Exhibit C, attached hereto and by reference made a part hereof, now in the possession of Karl Nierendorf, 53 East 57th Street, New York, New York, and

d. All right, title, interest and claim of any name or nature whatsoever of Werner Scholz in and to any and all obligations, contingent or otherwise and whether or not matured, owing to said Werner Scholz by Curt Valentin, 32 East 57th Street, New York, New York, including but not limited to all security rights in and to any and all collateral for any and all of such obligations, and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-d hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3-a, 3-b and 3-c hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 6, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

No.:	*Artist and Title*
640	Werner Scholz, Landscape in Fog, oil.
641	Werner Scholz, Mother and Child, oil.
642	Werner Scholz, Nun, oil.
643	Werner Scholz, Girl with Red Flower, oil.
644	Werner Scholz, Girl with Lily, oil.
645	Werner Scholz, Iron Angel, oil.
646	Werner Scholz, Rain, oil.
647	Werner Scholz, Poppies, oil.
648	Werner Scholz, Girl, oil.
649	Werner Scholz, Yellow flowers, oil.
650	Werner Scholz, Women in the field, oil.
651	Werner Scholz, Magdalena, oil.
652	Werner Scholz, Amarillis, oil.
653	Werner Scholz, Girl with Yellow Hat, oil.
654	Werner Scholz, Tiger Lily, oil.
655	Werner Scholz, Worker, oil.

EXHIBIT B

No.:	*Artist and Title*
656	Werner Scholz, Dancing Girl, pastel.
657	Werner Scholz, Girls, pastel.
658	Werner Scholz, Boys, pastel.
659	Werner Scholz, Man, pastel.
660	Werner Scholz, Nun, pastel.
661	Werner Scholz, Woman with Child, pastel.
662	Werner Scholz, Girl with Hat, pastel.
663	Werner Scholz, Bishop, pastel.
665	Werner Scholz, Woman with Red Blouse, pastel.
666	Werner Scholz, Lovers, pastel.
667	Werner Scholz, Woman's Head, pastel.
668	Werner Scholz, Dancer, pastel.
669	Werner Scholz, Girl in Chair, pastel.
670	Werner Scholz, Dancer, pastel.
672	Werner Scholz, Cabaret Dancer, pastel.
673	Werner Scholz, Dancer, pastel.
674	Werner Scholz, Dancer, pastel.
675	Werner Scholz, Nun, pastel.

EXHIBIT C

No.	*Artist and Title*
1	Werner Scholz, Blond boy.
2	Werner Scholz, Two Girls.
3	Werner Scholz, Women.

EXHIBIT C—Continued

No.	*Artist and Title*
4	Werner Scholz, Man.
5	Werner Scholz, Two Freezing Children.
6	Werner Scholz, Woman with Hat.
7	Werner Scholz, Tyrolean.
8	Werner Scholz, Woman with Walking-stick.
9	Werner Scholz, Pregnancy.
10	Werner Scholz, Praying nuns and child.

[F. R. Doc. 44-9483; Filed, June 29, 1944; 10:37 a. m.]

[Vesting Order 3635]

HILO BREWERY, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That of the oustanding capital stock of Hilo Brewery, Limited, a corporation organized and doing business under the laws of the Territory of Hawaii and a business enterprise within the United States, consisting of 9,973 shares of capital stock having a par value of $10 a share, 6,130 shares (61.46%) are owned by and registered in the names of the following persons in the number opposite each name and are evidence of control of said business enterprise:

Name	*Number of Shares*
Isaku Fujimoto	5
Sadanosuke Hata	5,330
Tamotsu Hata	79
Yoichi Hata	25
Katsujiro Kagawa	510
Mitsuji (or Jitsuji) Kasamoto	5
Kango Kawasaki	5
Masato Kiyosaki (or Kyosaki)	125
Atsuo Sakimizuru	32
Masaichiro Shinoda	14
Total	6,130

2. That Sadanosuke Hata has a claim against Hilo Brewery, Limited, aggregating the sum of $1,690.00 as of November 30, 1943, which claim is represented on the books and records of Hilo Brewery, Limited, as an account payable, subject, however, to any accruals or deductions subsequent thereto, and reprcsents an interest in Hilo Brewery, Limited;

3. That Isaku Fujimoto, Sadanosuke Hata, and Tamotsu Hata, whose last known addresses are Japan, are nationals of a designated enemy country (Japan);

4. That Yoichi Hata, Katsujiro Kagawa, Mitsuji (or Jitsuji) Kasamoto, Kango Wawaski, Masato Kiyosaki (or Kyosaki), Atsuo Sakimizuru, also known as Hikokuma Sakimidzuru and Hikogame Sakimizuru, and Masaichiro Shinoda, have been interned by order of the Military Governor of Hawaii and are acting directly or indirectly for the benefit or on behalf of a designated enemy country (Japan) or persons within such country;

and determining:

5. That Yoichi Hata, Katsujiro Kagawa, Mitsuji (or Jitsuji) Kasamoto, Kango Kawasaki, Masato Kiyosaki (or Kyosaki) Atsuo Sakimizuru also known as Hikokuma Sakimidzuru and Hikogame Sakimizuru, and Masaichiro Shinoda are acting for and on behalf of or as cloaks for a designated enemy country (Japan) or persons within such country and are nationals of such designated enemy country;

6. That Hilo Brewery, Limited, is controlled by Isaku Fujimoto, Sadanosuke Hata, Tamotsu Hata, Yoichi Hata, Katsujiro Kagawa, Mitsuji (or Jitsuji) Kasamoto, Kango Kawasaki, Masato Kiyosaki (or Kyosaki), Atsuo Sakimizuru, and Masaichiro Shinoda, and is a national of a designated enemy country (Japan);

7. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian 5414 shares of the outstanding capital stock of Hilo Brewery, Limited, registered in the names of Isaku Fujimoto, Sadanosuke Hata, and Tamotsu Hata, and the claim of Sadanosuke Hata against Hilo Brewery, Limited, in the principal sum of $1,690.00 together with accrued interest, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-9484; Filed, June 29, 1944; 10:37 a. m.]

[Vesting Order 3663]

WALTER WEBER

In re: Photographic equipment, office furniture, automobiles, property insurance policies and claim owned by Walter Weber, also known as Walther Weber and Walther Hermann Weber.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Walter Weber, also known as Walther Weber and Walther Hermann Weber, is Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Walter Weber, also known as Walther Weber and Walther Hermann Weber, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Cameras and other photographic equipment, believed to be fully set forth and described in Exhibit A attached hereto and by reference made a part hereof, now in the possession of John Orth, 1066 Virginia Avenue, Bronx, New York, New York,

b. The articles of furniture believed to be fully set forth and described in Exhibit B attached hereto and by reference made a part hereof, now in the possession of John Orth, 1066 Virginia Avenue, Bronx, New York, New York,

c. One 1941 Chrysler sedan automobile, model C-33, serial No. 7807827, engine No. 1004, stored in the name of Walter Weber in Towers Garage, 182 Fulton Street, Brooklyn, New York,

d. One 1937 Rolls-Royce sedan automobile, serial No. GKK 24, engine No. 229 B, stored in the name of Walter Weber in Towers Garage, 182 Fulton Street, Brooklyn, New York.

e. All right, title, interest and claim of Walter Weber, also known as Walther Weber and Walther Hermann Weber, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Walter Weber, also known as Walther Weber and Walther Hermann Weber, by Herbert Orth, 1066 Virginia Avenue, Bronx, New York, and represented on the books of said Herbert Orth as a credit balance due and owing to Walter Weber, also known as Walther Weber and Walther Hermann Weber, and any and all security rights in and to any and all collateral for any or all of such obligations, and the right to enforce and collect the same, and

f. All right, title and interest of Walter Weber, also known as Walther Weber and Walther Hermann Weber, in and to the following insurance policies:

(1) Fire Insurance Policy No. B-1036609 issuer by Fireman's Fund Insurance Company, San Francisco, California, insuring the property described in subparagraph 3-a hereof;

(2) Burglary Insurance Policy No. BLT-49085 issued by Fireman's Fund Indemnity Company, San Francisco, California, insuring the property described in sub-paragraph 3-a hereof:

(3) Automobile Fire and Theft Insurance Policy No. 74713 issued by the Home Fire and Marine Insurance Company of California, San Francisco, California, insuring the property described in sub-paragraphs 3-c and 3-d hereof;

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-f hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3-a, 3-b, 3-c and 3-d

hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to all right, title and interest of Herbert Orth, as evidenced by that certain agreement by and between Walter Weber and Herbert Orth dated May 6, 1942, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 17, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

1 8 x 10 J. G. Saltzman Enlarger.
1 J. G. Saltzman Camera Stand.
1 J. G. Saltzman 5000 watt Spotlight on stand.
1 J. G. Saltzman 2000 watt Spotlight on stand.
1 J. G. Saltzman 1000 watt Spotlight on stand.
1 J. G. Saltzman 1000 watt overhead Spotlight on stand.
1 J. G. Fresnel 500 watt Spotlight on stand (Saltzman).
1 J. G. Saltzman Flood Bowl.
2 J. G. Saltzman Flash Pans with stands.
2 Perkins "High-Power" #4 Photo-Flood Lights.
1 Eastman Kodak 11 x 14 Dry Mounting Press #2679.
1 Eastman Kodak 16 x 20 Enlarging Easel.
1 Spider Box.
1 Quick set Tripod.
1 8 x 10 Deardorff Camera with 5 x 7 & 8 x 10 back.
1 Goerz Apochromat Artar F. 9—14 in. Focus lens #398951.
1 Devin 5 x 7 Camera—1 Exposure Tricolor Camera #PT 57030 Thirty-Six 936 Plate Holders.
1 Carrying Camera Case.
1 Eastman Transmission Densitometer 23 St 1451.
1 Goerz Dagor F.7.7, 16½ in. Focus lens #399363 with Shutter #872503.
1 Schneider Summar F.6.8—21cm. Focus Lens #684935.
1 Flex—14 in. lens with shutter.
1 Weston Master 715, #3805437 with case.

EXHIBIT B

1 Office desk.
1 Chair.
1 Red leather sofa.
2 End tables.
2 Lamps (figured).
2 Magazine tables.
1 Square modern table.
1 Modern desk.
1 Sofa and 2 chairs.
1 Posing bench and chair (white).
1 Gold table lamp.
1 Air conditioning machine.
3 Mirrors (1 round, 1 square and 1 long).
1 10 x 12 woven mat.
1 4 x 8 rug.

[F. R. Doc. 44–9485; Filed, June 29, 1944; 10:37 a. m.]

[Vesting Order 3776]

I. G. FARBENINDUSTRIE A. G.

In re: Interest of I. G. Farbenindustrie Aktiengesellschaft in an agreement dated May 20, 1932 with Carbide and Carbon Chemicals Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated May 20, 1932 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and Carbide and Carbon Chemicals Corporation, which agreement relates, among other things, to Patent No. 1,780,883.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 7, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–9486; Filed, June 29, 1944; 10:37 a. m.]

[Vesting Order 3777]

SOCIETE FRANCAISE DES CRINS ARTIFICIELS ET AL.

In re: Interests of Societe Francaise des Crins Artificiels, Societe de la Viscose Francaise and Comptoir des Textiles Artificiels in an agreement with Du Pont Cellophane Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Societe Francaise des Crins Artificiels, Societe de la Viscose Francaise and Comptoir des Textiles Artificiels are business organizations organized under the laws of France and are nationals of a foreign country (France);

2. That the property described in subparagraph 3 hereof is property of Societe Francaise des Crins Artificiels and/or Societe de la Viscose Francaise and/or Comptoir des Textiles Artificiels;

3. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property

Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 7, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Francaise des Crins Artificiels, Societe de la Viscose Francaise and Comptoir des Textiles Artificiels, and each of them, by virtue of an agreement dated January 1, 1930 (including all modifications of and supplements to such agreement, including, but without limitation, a letter dated January 31, 1940 from Societe de la Viscose Francaise to E. I. du Pont de Nemours & Company, Inc.; a letter dated December 31, 1940 from Comptoir des Textiles Artificiels to E. I. du Pont de Nemours & Company, Inc., and a letter dated March 26, 1941 from E. I. du Pont de Nemours & Company, Inc. to Comptoir des Textiles Artificiels) by and between Du Pont Cellophane Company, Inc. and Societe Francaise des Crins Artificiels, which agreement relates, among other things, to certain United States Patents, including Patent No. 2,141,776.

[F. R. Doc. 44–9487; Filed, June 29, 1944; 10:38 a. m.]

[Vesting Order 3779]

COMPTOIR DES TEXTILES ARTIFICIELS, ET AL.

In re: Interests of Comptoir des Textiles Artificiels and others in agreements dated January 22, 1920, December 26, 1923 and March 18, 1929 with E. I. du Point de Nemours & Company, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That each of the business organizations identified in Exhibit A attached hereto and made a part hereof is organized under the laws of the country set forth under the column headed "NAT" after its respective name and is a national of such foreign country;

2. That the property described in subparagraph 3 hereof is property of the business organizations set forth in Exhibit A;

3. That the property described as follows:

Property identified in Exhibit B attached hereto and made a part hereof,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of foreign countries (France and Italy);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 8, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Business Organization and Nationality

Comptoir des Textiles Artificiels, France.
La Soie Artificielle, France.
Societe de la Soie Artificielle d'Izieux, France.
Societe de la Soie Artificielle de la Voulte, France.
Societe Francaise de la Viscose, France.
Societe Ardechoise pour la Fabrication de la Soie de Viscose, France.
Societe Francaise des Crins Artificiels, France.
Societe Generale de Soie Artificielle par le Procede Viscose, France.
Societe Italienne de la Viscose, Italy.

EXHIBIT B

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in the business organizations set forth in Exhibit A attached hereto and made a part hereof, by virtue of an agreement dated January 22, 1920 (including all modifications thereof and supplements thereto, if any) by and between Comptoir des Textiles Artificiels and E. I. du Pont de Nemours & Company, Inc., which agreement relates, among other things, to certain United States Letters Patent including Patent No. 2,224,693.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in the business organizations set forth in Exhibit A attached hereto and made a part hereof by virtue of an agreement dated December 26, 1923 (including all modifications thereof and supplements thereto, if any) by and between Comptoir des Textiles Artificiels and Du Pont Fibersilk Company, which agreement relates, among other things, to certain United States Letters Patent including Patent No. 2,224,693,

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in the business organizations set forth in Exhibit A attached hereto and made a part hereof by virtue of an agreement dated March 18, 1929 between Comptoir des Textiles Artificiels and E. I. du Pont de Nemours & Company, Inc. (including all modifications of and supplements to such agreement, including, but without limitation, two letters dated December 11, 1936 and March 26, 1941 from E. I. du Pont de Nemours & Company, Inc. to Comptoir des Textiles Artificiels and three letters dated April 1, 1937, January 31, 1940 and December 31, 1940 from Comptoir des Textiles Artificiels to E. I. du Pont de Nemours & Company, Inc.), which agreement relates, among other things, to certain United States Letters Patent including Patent No. 2,224,693.

[F. R. Doc. 44–9488; Filed, June 29, 1944; 10:38 a. m.]

[Vesting Order 3780]

CHEMISCHE WERKE SCHUSTER AND WILHEMY PATENTVERWERTUNGSGESELLSCHAFT M. B. H.

In re: Interest of Chemische Werke Schuster & Wilhemy Patentverwertungsgesellschaft m. b. H. in an agreement with Stauffer Chemical Company.

Under the authority of the Trading with the Enemy Act,, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Chemische Werke Schuster & Wilhemy Patentverwertungsgesellschaft m. b. H. is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Chemische Werke Schuster & Wilhemy Patentverwertungsgesellschaft m. b. H.;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Chemische Werke Schuster & Wilhemy Patentverwertungsgesellschaft m. b. H. by virtue of an agreement executed by Stauffer Chemical Company on February 1, 1937 (including all modifications thereof and supplements thereto, if any) by and between Chemische Werke Schuster & Wilhemy Patentverwertungsgesellschaft m. b. H. and Stauffer Chemical Company, which agreement relates, among other things, to Patent No. 2,033,103.

is property payable or held with respect to patents or rights related thereto in which

interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 8, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–9489; Filed, June 29, 1944; 10:38 a. m.]

[Vesting Order 3781]

J. M. LEHMANN

In re: Interest of J. M. Lehmann in an agreement with J. M. Lehmann Company, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That J. M. Lehmann is a business organization organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of J. M. Lehmann;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in J. M. Lehmann by virtue of an agreement dated September 27, 1940 and February 8, 1941 (including all modifications thereof and supplements thereto, if any) by and between J. M. Lehmann and J. M. Lehmann Company, Inc., which agreement relates, among other things, to Patent No. 2,216,777.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive order No. 9095, as amended.

Executed at Washington, D. C., June 8, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–9490; Filed, June 29, 1944; 10:38 a. m.]

[Vesting Order 3782]

BRACKELSBERG-OFEN G. M. B. H.

In re: Patent and interest of Brackelsberg-Ofen G. m. b. H. in an Agreement with Albert T. Otto & Sons, Inc. and Whiting Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Brackelsberg-Ofen G. m. b. H., is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

2. That Auguste Brackelsberg, administratrix of the estate of Carl Brackelsberg, deceased, is a resident of Germany and is a national of a foreign country (Germany);

3. That the property described in subparagraph 5a hereof is property of Auguste Brackelsberg and/or Brackelsberg-Ofen G. m. b. H.;

4. That the property described in subparagraph 5b hereof is property of Brackelsberg-Ofen G. m. b. H.;

5. That the property described as follows:

Property described in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 8, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date of Issue, Inventor, and Title

1,881,117; 10–4–32; Carl Brackelsberg; Rotary drum furnace for melting metals.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Brackelsberg-Ofen G.m.b.H. by virtue of an agreement dated May 21, 1930 (including all modifications thereof and supplements thereto, if any) by and between Brackelsberg-Ofen G.m.b.H., Albert T. Otto & Sons, Inc. and Whiting Corporation, which agreement relates, among other things, to United States Letters Patent No. 1,797,125 and 1,881,117.

[F. R. Doc. 44–9491; Filed, June 29, 1944; 10:38 a. m.]

[Vesting Order 3783]

N. V. CONTINENTAL CAR HIRE CO.

In re: Patent of N. V. Continental Car Hire Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That N. V. Continental Car Hire Co. is a business organization organized under the laws of The Netherlands and is a national of a foreign country (The Netherlands);

2. That the property described in subparagraph 3 hereof is property of N. V. Continental Car Hire Co.;

3. That the property described as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date of Issue, Inventor, and Title

1,883,459; 10-18-32; Rifat Avigdor; Delivery pump for liquids.

is property of a national of a foreign country (The Netherlands):

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 8, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–9492; Filed, June 29, 1944; 10:39 a. m.]

[Vesting Order 3784]

FRITZ AND HANS VON PHILIPP

In re: Trade-mark and interests of Fritz von Philipp and Hans von Philipp in agreements with Royal Saxon Co., Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Fritz von Philipp and Hans von Philipp are citizens and residents of Germany and are nationals of a foreign country (Germany);

2. That the property described in subparagraphs 5a and 5b hereof is property of Fritz von Philipp;

3. That the property described in subparagraph 5c hereof is property of Hans von Philipp;

4. That the property identified in subparagraph 5d hereof is property of Fritz von Philipp and/or Hans von Philipp;

5. That the property described as follows:

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Fritz von Philipp by virtue of an agreement dated October 8, 1931 (including all modifications thereof and supplements thereto, if any) by and between Fritz von Philipp and Royal Saxon Co., Inc., which agreement relates, among other things, to a formula for the product known as "Royal Saxon" polish, also known as "Saxon-Glaze",

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Fritz von Philipp by virtue of an agreement dated October 21, 1935 (including all modifications thereof and supplements thereto, if any) by and between Fritz von Philipp and Royal Saxon Co., Inc., which agreement relates, among other things, to a formula for the product known as "Royal Saxon" polish, also known as "Saxon-Glaze",

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Hans von Philipp by virtue of an agreement dated October 8, 1931 (including all modifications thereof and supplements thereto, if any) by and between Hans von Philipp and Royal Saxon Co., Inc., which agreement relates, among other things, to a formula for the product known as "Royal Saxon" polish, also known as "Saxon-Glaze",

(d) The trade-mark registered in the United States Patent Office identified as follows:

Registration Number, Date, Registrant and Character of goods

239,541, 3-6-28, F. Rochow & Co., Polishing preparation (record title in Fitz von Philipp). and the registration thereof together with

(i) the respective good will of the business in the United States and all its possessions to which said trade-mark is appurtenant,

(ii) any and all indicia of such good will (including but not limited to formulae whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machines and other equipment),

(iii) any interests of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trade-mark and registration thereof; and

(iv) all accrued royalties payable or held with respect to such trade-mark and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

is property of, or is property payable or held with respect to trade-marks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 8, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–9493; Filed, June 29, 1944; 10:39 a. m.]

[Vesting Order 3802]

H. MAIHAK A. G.

In re: Interest of H. Maihak A. G. in an agreement with Bacharach Industrial Instrument Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That H. Maihak A. G. is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of H. Maihak A. G.

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in H. Maihak A. G. by virtue of an agreement dated June 20, 1938 (including all modifications thereof and supplements thereto, if any) by and between H. Maihak A. G. and Bacharach Industrial Instrument Company, which agreement relates, among other things, to Patent No. 1,592,876.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself

constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 12, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–9494; Filed, June 29, 1944; 10:39 a. m.]

[Vesting Order 3803]

DR. ING. KURT SCHOENE

In re: Patent and Interest of Dr. Ing. Kurt Schoene in agreements with Nordberg Manufacturing Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Dr. Ing. Kurt Schoene is a citizen and resident of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Dr. Ing. Kurt Schoene;

3. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property of, ori s property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account of accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 12, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date of Issue, Inventor, and Title

2,033,852, 3–10–36, Kurt Schoene, Pump for liquids.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Dr. Ing. Kurt Schoene by virtue of an agreement dated September 9, 1936 (including all modifications thereof and supplements thereto, including, but not by way of limitation, a letter dated March 12, 1937, from Nordberg Manufacturing Company to Dr. Ing. Kurt Schoene) by and between Nordberg Manufacturing Company and Dr. Ing. Kurt Schoene, which agreement relates, among other things, to Patent No. 2,049,570.

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Dr. Ing. Kurt Schoene by virtue of an agreement dated January 1, 1940 (including all modifications thereof and supplements thereto, if any) by and between Nordberg Manufacturing Company and Dr. Ing. Kurt Schoene, which agreement relates, among other things, to Patent No. 1,986,944.

[F. R. Doc. 44–9495; Filed, June 29, 1944; 10:39 a. m.]

[Vesting Order 3804]

UMBERTO NISTRI AND OTTICO MECCANICA ITALIANA

In re: Patent Application Serial No. 124,358 owned by Umberto Nistri and/or Ottico Meccanica Italiana.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ottico Meccanica Italiana is a business organization organized under the laws of and having its principal place of business in Italy and is a national of a foreign country (Italy);

2. That Umberto Nistri is a resident of Italy and is a national of a foreign country (Italy);

3. That the property described in subparagraph 4 hereof is property of Umberto Nistri and/or Ottico Meccanica Italiana;

4. That the property described as follows:

Patent Application identified as follows:

Serial Number, Date of Filing, Inventor, and Title

124,358, 2–6–37, Umberto Nistri, Device for the pneumatic flattening of films in aero photographic machines during the exposure.

is property of nationals of a foreign country (Italy);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian in the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 12, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–9496; Filed, June 29, 1944, 10:40 a. m.]

[Vesting Order 3839]

RUHRCHEMIE A. G.

In re: Patents, patent applications and interest of Ruhrchemie Aktiengesellschaft in agreements dated as of October 7, 1938 relating to patents involving the Hydrocarbon Synthesis Process.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ruhrchemie Aktiengesellschaft is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Ruhrchemie Aktiengesellschaft;

3. That the property described as follows: (a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ruhrchemie Aktiengesellschaft by virtue of an agreement dated as of October 7, 1938 (including all modifications thereof or supplements thereto, if any) by and between N. V. De Bataafsche Petroleum Maatschappij, The M. W. Kellogg Company, Standard Oil Development Company acting for Standard Oil Company, Ammoniakwerk Merseburg G.m.b.H., Ruhrchemie Aktiengesellschaft and International Hydrogenation Patents Company, relating, among other things, to patents and to the formation of International Hydrocarbon Synthesis Company,

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ruhrchemie Aktiengesellschaft by virtue of an agreement dated as of October 7, 1938 (including all modifications thereof or supplements thereto, if any) by and between The M. W. Kellogg Company, Shell Development Company (on behalf of N. V. Koninklijke Nederlandsche Maatschappij Tot Exploitatie Van Petroleumbronnen in Nederlandsch-Indie, The "Shell" Transport and Trading Company, Ltd., Shell Union Oil Corporation, and their subsidiaries) Standard-I. G. Company (on behalf of Standard Oil Company and I. G. Farbenindustrie Aktiengesellschaft, and their wholly owned subsidiaries) and Hydrocarbon Synthesis Corporation, relating, among other things, to patents involving the Hydrocarbon Synthesis Process,

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ruhrchemie Aktiengesellschaft by virtue of an agreement dated as of October 7, 1938 (including all modifications thereof or supplements thereto, if any) by and between Ruhrchemie Aktiengesellschaft and Hydrocarbon Synthesis Corporation, relating, among other things, to patents involving the Hydrocarbon Synthesis Process and the Fischer Process.

(d) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ruhrchemie Aktiengesellschaft by virtue of an agreement dated as of October 7, 1938 (including all modifications thereof or supplements thereto, if any) by and between The M. W. Kellogg Company, Shell Development Company (on behalf of N. V. Koninklijke Nederlandsche Maatschappij Tot Exploitatie Van Petroleumbronnen in Nederlandsch-Indie, The "Shell" Transport and Trading Company, Ltd., Shell Union Oil Corporation, and their subsidiaries), Standard-I. G. Company (on behalf of Standard Oil Company and I. G. Farbenindustrie Aktiengesellschaft and their wholly owned subsidiaries) and Ruhrchemie Aktiengesellschaft, relating, among other things, to patents involving Hydrogenation of solid carbonaceous materials,

(e) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ruhrchemie Aktiengesellschaft by virtue of an agreement dated as of October 7, 1938 (including all modifications thereof or supplements thereto, if any) by and between International Hydrogenation Patents Company, International Hydrocarbon Synthesis Company and Ruhrchemie Aktiengesellschaft, relating, among other things, to patents involving the Hydrocarbon Synthesis Process,

(f) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ruhrchemie Aktiengesellschaft by virtue of an agreement dated as of October 7, 1938 (including all modifications thereof or supplements thereto, if any) by and between The M. W. Kellogg Company, Shell Development Company, N. V. De Bataafsche Petroleum Maatschappij, Standard-I. G. Company, International Hydrogenation Patents Company, Hydrocarbon Synthesis Corporation, International Hydrocarbon Synthesis Company and Ruhrchemie Aktiengesellschaft, relating, among other things, to patents involving the Hydrocarbon Synthesis Process.

(g) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents identified in Exhibit A attached hereto and made a part hereof,

(h) Patent applications identified in Exhibit B attached hereto and made a part hereof,

(i) Patent applications identified in Exhibit C attached hereto and made a part hereof together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such applications,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 19, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Patents which are identified as follows:

Patent Number, Date, Inventor and Title

1,746,464, 2-11-30, Franz Fischer and H. Tropsch, Process for the production of paraffin-hydrocarbons with more than one carbon atom.

2,110,240, 3-8-38, Otto Roelen and W. Feisst, Process for desulphurizing gases.

2,110,241, 3-8-38, Otto Roelen, Process of removing sulphur compounds from gases.

2,127,127, 8-16-38, Friedrich Martin, Otto Roelen and W. Feisst, Process producing hydrocarbons from carbon monoxide and hydrogen.

2,149,515, 3-7-39, Franz Fischer, Method of increasing yield in the catalytic synthesis of aliphatic hydrocarbons.

2,206,500, 7–2–40, Franz Fischer and H. Pichler, Paraffin products and process of making same.

2,215,885, 9-24-40, Otto Roelen and Franz Hanisch, Regeneration of spent catalysts.

2,219,042, 10-22-40, Heinrich Heckel and O. Roelen, Preparation of catalysts.

2,225,487, 12–17–40, Otto Roelen, Production of paraffin.

2,238,726, 4–15–41, Walter Feisst, N. Neweling and Otto Roelen, Conversion of carbon oxides into higher hydrocarbons.

2,238,766, 4-15-41, Leonhard Alberts, Production of hydrocarbons.

2,243,897, 6-3-41, Franz Fischer and H. Pichler, Synthetical production of paraffin.

2,257,457, 9-30-41, Franz Fischer and H. Pichler, Production of high-molecular aliphatic hydrocarbons.

2,261,184, 11-4-41, Otto Roelen and W. Feisst, Process for producing catalysts for benzine synthesis.

2,278,644, 4-7-42, Karl Buchner, Process for the regeneration of catalysts containing thorium.

2,289,731, 7-14-42, Otto Roelen, H. Heckel and F. Hanisch, Method for reactivation of catalysts for the hydrogenation of carbon oxide.

2,330,750, 9-28-43, Paul Schaller, E. Froelecke, K. Meyer, Otto Roelen and R. Luben, Process for recovering thorium from substances containing thorium.

2,339,927, 1-25-44, Heinrich Heckel, Process for the preparation of predominant quantities of paraffin in the carbon oxide hydrogenation.

EXHIBIT B

Patent Applications which are identified as follows:

Serial Number, Filing Date, Inventor, and Title

368,088, 11-30-40, Heinrich Heckel and Otto Roelen, Superactive iron catalysts for the hydrogenation of carbon oxide and methods for their preparation.

389,691, 4-21-41, Friedrich Martin, Process for starting synthesis catalysts of the carbon oxide hydrogenation.

390,996, 4–29–41, Leonhard Alberts and W. Feisst, Process of hydrogenizing carbon monoxide.

417,495, 11-1-41, Otto Roelen and W. Feisst, Processes for catalytic benzine synthesis.

417,496, 11-1-41, Otto Roelen and W. Feisst, Processes of preparing catalysts for benzine synthesis.

EXHIBIT C

Patent applications which are identified as follows:

Serial Number, Filing Date, Inventor, and Title

146,125, 6-2-37, Leonhard Alberts, Catalytic production of hydrocarbons.

153,532, 7-14-37, Walter Feisst and Otto Roelen, Process for the catalytic conversion of mixtures of carbon monoxide and hydrogen.

163,352, 9-11-37, Walter Feisst, Otto Roelen and W. Schuff, Process for regenerating catalysts for benzene synthesis.

306,026, 11-24-39, Otto Roelen, K. Buchner and H. Heckel, Production of diatomacious earth.

373,055, 1-3-41, Karl von Asboth, Synthesis over for performing catalytic gaseous reactions.

374,770, 1-16-41, Friedrich Martin, Process for starting synthesis catalysers of the carbon oxide hydrogenation.

[F. R. Doc. 44-9497; Filed, June 29, 1944; 10:40 a. m.]

[Vesting Order 3844]

HENRY LOHNES

In re: Estate of Henry Lohnes, deceased; File D-28-3492; E. T. sec. 5575.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Paul Mabes, Executor, Paola, Kansas, acting under the judicial supervision of the Probate Court of Miami County, Paola, Kansas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Johannes Rapp, Germany.
Jacob Lohnes VI, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Johannes Rapp and Jacob Lohnes VI, and each of them, in and to the estate of Henry Lohnes, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: June 22, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-9498; Filed, June 29, 1944; 10:40 a. m.]

[Vesting Order 3845]

SABURO OGAWA

In re: Guardianship Estate of Saburo Ogawa, Minor. File: D-66-1779; E. T. sec. 10698 H-185.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Arthur E. Restarick, Guardian, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

Saburo Ogawa, Japan.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Saburo Okawa in and to the Guardianship Estate of Saburo Ogawa, Minor, in the possession of Arthur E. Restarick, Guardian,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: June 22, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-9499; Filed, June 29, 1944; 10:40 a. m.]

[Vesting Order 3846]

ANNA PFAFF

In re: Estate of Anna Pfaff, deceased; file D-28-7921; E. T. sec. 8720.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Charles Skalla, 703 West Second, McCook, Nebraska, Executor, acting under the judicial supervision of the County Court of the State of Nebraska, in and for the County of Red Willow;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Lena Quirin Daniel, Germany.
Anna Leister, Germany.
Margaret Mais, Germany.
Christoff Grossdider II, Germany.
Mrs. Christoff Grossdider II, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Lena Quirin Daniel, Anna Leister, Margaret Mais, Christoff Grossdider II and Mrs. Christoff Grossdider II, and each of them, in and to the estate of Anna Pfaff, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the

Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: June 22, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–9500; Filed, June 29, 1944; 10:40 a. m.]

[Vesting Order 3847]

SHICHIRO SHIGEMURA

In re: Estate of Shichiro Shigemura, deceased; File: D–66–1760; E. T. sec. 10583 H–184.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Arthur E. Restarick, Administrator, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

Motoko Shigemura, Japan.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Motoko Shigemura in and to the Estate of Shichiro Shigemura, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: June 22, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–9501; Filed, June 29, 1944; 10:41 a. m.]

[Vesting Order 1701, Amdt.]

I. G. FARBENINDUSTRIE A. G.

Vesting Order Number 1701 of June 21, 1943 is amended as follows and not otherwise:

By changing patent number 1,988,488 to patent number 1,988,448 where it appears in said order.

All other provisions of said Vesting Order Number 1701 and all action taken on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 7, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–9502; Filed, June 29, 1944; 10:41 a. m.]

[Dissolution Order 10]

CASTLE RAYON CORP.

Whereas, by Vesting Order No. 39, dated June 30, 1942 (7 F.R. 5079, July 4, 1942), the Alien Property Custodian vested all of the issued and outstanding shares of the capital stock of Castle Rayon Corporation, a New York corporation; and

Whereas, by Vesting Order No. 2642, dated November 30, 1943 (8 F.R. 16477, December 7, 1943), the Alien Property Custodian vested the interest of Viscose Rheinfelden Suisse S. A., Rheinfelden, Switzerland, in the said corporation, as represented upon the books and records of said corporation as accounts payable; and

Whereas, Castle Rayon Corporation has been substantially liquidated under the supervision of the Alien Property Custodian;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the books and records of the Castle Rayon Corporation indicate that the corporation is indebted to Viscose Rheinfelden Suisse S. A., Rheinfelden, Switzerland, which claim has been vested by the Custodian as aforesaid; and

2. Finding that the said claim is all the known claims against Castle Rayon Corporation; and

3. Finding that the Alien Property Custodian has incurred direct expenses (exclusive of general administrative expenses of the Office of Alien Property Custodian) in connection with services rendered to said Castle Rayon Corporation; and

4. Determining that it is in the national interest of the United States to dissolve the said corporation and to distribute its assets;

It is ordered, That the officers and directors of Castle Rayon Corporation, to-wit: E. W. Hardy, President, Treasurer, and Director; L. V. McLean, Secretary and Director, and D. W. Pratt, Director, shall cause the dissolution of Castle Rayon Corporation in accordance with the statutes of the State of New York in such cases made and provided;

And it is further ordered, That the said officers and directors above-named wind up the affairs of said corporation and distribute the assets thereof coming into their possession as follows:

(1) They shall first pay the current expenses and necessary charges of winding up the affairs of said corporation and the dissolution thereof;

(2) They shall then pay all known taxes and fees of the United States and of the State of New York owed by or accruing against said corporation; and

(3) They shall then pay to the undersigned the sum found to be due as reimbursement for the value of services rendered said corporation by the Alien Property Custodian as above set forth; and

(4) They shall then distribute and pay over to the undersigned from the funds and property remaining in their hands after the payments as aforesaid, an amount equivalent in value to the claim against the corporation vested as aforesaid to be applied on account of said claim; and

(5) They shall then distribute and pay over to the undersigned as the holder of all of the outstanding and issued stock of the corporation all other funds and property remaining in their hands after the payments as aforesaid;

And it is further ordered, That nothing herein set forth shall be construed as prejudicing the rights, under the laws of the State of New York, of any person who may claim against said corporation: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such persons; and such persons or any of them may file claims with the undersigned against any funds or property received by the undersigned as above set forth: *Provided, however,* That any such claim shall be filed with or presented to the undersigned within the time prescribed for such claims by the Statutes of New York;

And it is further ordered, That all actions taken and acts done by the officers and directors of Castle Rayon Corporation, above-named pursuant to this order and the directions contained therein, shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided for therein.

Executed at Washington, D. C., June 26, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–9503; Filed, June 29, 1944; 10:41 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 830]

WALTER D. COBUN

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Order No. 830 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant.

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 3. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. Each producer is subject to all provisions of Maximum Price Regulation No. 120.

WALTER D. COBUN, 816 6TH STREET, MORGANTOWN, W. VA., EASTON MINE, PITTSBURGH SEAM, MINE INDEX NO. 2047, MONONGALIA COUNTY, W. VA., RAIL SHIPPING POINT: MORGANTOWN, W. VA. (GUY HALLS SDG.), DRIFT MINE

	Size group Nos.						
	1	2	3	4	5	6	7
Price classification	F	F	F	F	F	----	----
Rail shipments and railroad fuel	$275	$275	$260	$250	$240	----	----
Truck shipment	298	293	293	268	268	$253	$243

GAULEY TIOGA COAL AND COKE COMPANY, 411 BANK AND TRUST BUILDING, GREENSBURG, PA., BEAVER CREEK NO. 1 MINE (TIOGA), NO. 5 BLOCK SEAM, MINE INDEX NO. 2050, NICHOLAS COUNTY, W. VA., RAIL SHIPPING POINT: PRIVATE SIDING NEAR, TIOGA, W. VA., DRIFT MINE

Price classification	D	D	D	D	D	----	----
Rail shipments and railroad fuel	$310	$290	$290	$275	$275	----	----
Truck shipment	323	313	313	278	278	$258	$248

GAULEY TIOGA COAL AND COKE COMPANY, 411 BANK AND TRUST BUILDING, GREENSBURG, PA., BEAVER CREEK NO. 2 MINE, (TIOGA) NO. 5 BLOCK SEAM, MINE INDEX NO. 2051, NICHOLAS COUNTY, W. VA., RAIL SHIPPING POINT: PRIVATE SIDING NEAR, TIOGA, W. VA., STRIP MINE

Price classification	D	D	D	D	D	----	----
Rail shipments and railroad fuel	$310	$290	$290	$275	$275	----	----
Truck shipment	323	313	313	278	278	$258	$248

JOHNSTOWN COAL AND COKE CO., 204 PAYNE BUILDING, CHARLESTON (1), W. VA., CRICHTON NO. 4 MINE, SEWELL, SEAM, MINE INDEX NO. 2040, NICHOLAS COUNTY, W. VA., RAIL SHIPPING POINT: PRIVATE SIDING NEAR, CURTAIN, W. VA., SLOPE MINE

Price classification	A	A	A	A	A	----	----
Rail shipments and railroad fuel	$385	$345	$325	$310	$310	----	----
Truck shipment	355	350	350	325	325	$315	$295

LOYALHANNA FUEL CO., SLICKVILLE, PA., COZY MINE, PITTSBURGH SEAM, MINE INDEX NO. 2048, TAYLOR COUNTY, W. VA., RAIL SHIPPING POINT: WEBSTER, W. VA., STRIP MINE

Price classification	F	F	F	F	F	----	----
Rail shipments and railroad fuel	$275	$275	$260	$250	$240	----	----
Truck shipment	298	293	293	268	268	$253	$243

YOLAND COAL CO., JACOBS BUILDING, P. O. BOX 328 FAIRMONT, W. VA., HARTLEY MINE, PITTSBURGH SEAM, MINE INDEX NO. 2052, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT: FRANCES MINE, W. VA., STRIP MINE

Price classification	DE	DE	DE	DF	DF	----	----
Rail shipments and railroad fuel	$285	$280	$270	*$250	*$240	----	----
Truck shipment	298	293	293	268	268	$253	$243

*The per net ton maximum prices applicable to rail shipped coals of size groups Nos. 4 and 5 shall be $2.65 and $2.60, respectively. For coals having a sulphur content of 1.35% or under.

SISLER AND BERRY COAL CO., BOX 204 SABRATION, W. VA., SISLER AND BERRY MINE (UPPER) M. V. FREEPORT SEAM, MINE INDEX NO. 2049, MONONGALIA COUNTY, W. VA., SLOPE MINE

Truck shipment	$300	$300	$300	$275	$275	$265	$255

NOTE: The size group numbers referred to herein for rail shipments and for railroad fuel are those described in the table of price in amendment No. 95 to Maximum Price Regulation No. 120; while the size group numbers for truck shipments are those set forth for such shipments in the minimum price schedule for district No. 3.

This order shall become effective June 27, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9368; Filed, June 27, 1944; 11:18 a. m.]

[MPR 188, Order 1778]

SMYRNA NOVELTY MFG. CO.

APPROVAL OF MAXIMUM PRICES

Order No. 1778 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of a juvenile table and chair set manufactured by Smyrna Novelty Manufacturing Co.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, since the effective date of Maximum Price Regulation No. 188, of a juvenile table and chair set manufactured by Smyrna Novelty Manufacturing Co., 720 Palmetto St., New Smyrna Beach, Florida.

(1) (i) For all sales and deliveries by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the article from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Juvenile table and chair set	1001	*Each* $3.94	*Each* $4.64

These prices are f. o. b. factory.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subparagraph (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, Section 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries to retailers by persons who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
Juvenile table and chair set	1001	*Each* $4.64

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by paragraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 28th day of June 1944.

Issued this 27th day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-9390; Filed, June 27, 1944; 4:56 p. m.]

Regional and District Office Orders.

[Region VIII Order G-2 Under MPR 271]

POTATOES AND ONIONS IN CALIFORNIA

Order No. G-2 under Revised Maximum Price Regulation 271, as amended. Potatoes and onions. Adjustment of maximum markups for potatoes and onions in certain localities in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 11 (c) (7) of Revised Maximum Price Regulation 271, as amended, it is hereby ordered:

(a) *Maximum prices for certain sales by any intermediate seller to another intermediate seller.* For less than carlot or less than trucklot sales of potatoes or onions by any intermediate seller to another intermediate seller ex-dock, ex-track, or delivered, the maximum price shall be the "base price" determined under section 11 (c) of Revised Maximum Price Regulation No. 271, as amended, plus 40¢ per cwt. (in the case of potatoes) and 27¢ per 50 pounds (in the case of onions).

(b) *Maximum prices for certain sales by any intermediate seller to independent retailers, industrial, commercial, and institutional users.* For less than carlot or less than trucklot sales of potatoes or onions by any intermediate seller to independent retailers, industrial, commercial, and institutional users, ex-dock or ex-track, the maximum price shall be the "base price" determined under section 11 (c) of Revised Maximum Price Regulation 271, as amended, plus 40¢ per cwt. (in the case of potatoes) and 27¢ per 50 pounds (in the case of onions).

(c) *Maximum prices for certain sales by any intermediate seller making deliveries to a retail chain store warehouse.* For less than carlot or less than trucklot sales of potatoes or onions by any intermediate seller making deliveries to retail chain store warehouse, the maximum price shall be the "base price" determined under section 11 (c) of Revised Maximum Price Regulation 271, as amended, plus 45¢ per cwt. (in the case of potatoes) and 31¢ per 50 pounds (in the case of onions).

(d) *Maximum prices for certain sales by any intermediate seller making deliveries to a retail store within a free delivery zone.* Less than carlot or less than trucklot sales of potatoes or onions by any intermediate seller making deliveries to a retail store from whose premises the potatoes or onions are sold to an ultimate consumer, the maximum price shall be the "base price" determined under section 11 (c) of Revised Maximum Price Regulation 271, as amended, plus 60¢ per cwt. (in the case of potatoes) and 40¢ per 50 pounds (in the case of onions).

(e) *Maximum prices for certain sales by a hotel or restaurant supply house acting as an intermediate seller making deliveries to industrial, commercial, or institutional users within a free delivery zone.* When a hotel or restaurant supply house makes a less than carlot or less than trucklot sale as an intermediate seller, delivered to industrial, commercial or institutional users, the maximum price shall be the "base price" determined under section 11 (c) of Revised Maximum Price Regulation 271, as amended, plus 70¢ per cwt. (in the case of potatoes) and 55¢ per 50 pounds (in the case of onions).

(f) *Maximum prices for delivered sales by "wagon wholesalers."* A "wagon wholesaler" who has no main warehouse or central office in Los Angeles shall for the purpose of this order determine his maximum price as if he actually had an office or warehouse in Los Angeles and sold therefrom. A "wagon wholesaler" is one who purchases the item being priced and distributes it to retailers, industrial, commercial, or institutional users from an inventory stocked in trucks or other conveyances which are under the supervision of a driver salesman or salesmen who makes delivery at the time and place of sale.

(g) *Additions allowed intermediate sellers for deliveries outside certain "free delivery zone".* Any intermediate seller located within the "free delivery zone" of Los Angeles or within a "free delivery zone" in the cities named below who makes delivered sales to retailers or to commercial, industrial, or institutional users, may add the cost of transportation from his customary shipping dock or platform to the customary receiving point of any such purchaser located outside the "free delivery zone" in which such intermediate seller is located. "Free delivery zones" shall be determined by measuring 35 miles road distance along the most direct route from the City Hall of Los Angeles or the City Hall of any of the cities named below. The cost of transportation shall be figured at the lowest available common carrier rates or, in the absence thereof, at the actual cost of transportation by the most direct route to the purchaser's customary receiving point. The cities to which the section shall apply are all in the State of California are as follows: San Bernardino, Redlands, Riverside, Ventura, Santa Barbara, Santa Maria, San Luis Obispo, and Paso Robles.

(h) *Definitions.* The terms used in this order will have the same meaning as those set forth in Revised Maximum Price Regulation No. 271, as amended, unless the context clearly requires otherwise.

This order shall apply to the Counties of Los Angeles, Orange, Riverside, San Bernardino, Ventura, Santa Barbara, and San Luis Obispo.

This order shall become effective May 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 26th day of May 1944.

CHARLES R. BAIRD,
Acting Regional Administrator.

[F. R. Doc. 44-9472; Filed, June 7, 1944; 1:34 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on June 26, 1944.

REGION I

Providence Order 7, covering dry groceries and certain perishables in Rhode Island, except Town of New Shoreham, filed 9:55 a. m.

REGION II

Altoona Order 1-F, Amendment 11, covering fresh fruits and vegetables in Altoona and Johnstown War Price & Rationing Board Area, filed 9:59 a. m.

Camden Order P-1, Amendment 4, covering fresh fish and seafood at retail in Area 1, filed 10:01 a. m.

Pittsburgh Order 1-F, Amendment 11, covering fresh fruits and vegetables in Pittsburgh and suburban communities, filed 9:55 a. m.

Scranton Order 3-F, Amendment 5, covering fresh fruits and vegetables in certain counties in Penna, filed 12:16 p. m.

Williamsport Order 1-F, Amendment 12, covering fresh fruits and vegetables in Williamsport, filed 12:16 p. m.

REGION IV

Jackson Order 2-F, Amendment 16, covering fresh fruits and vegetables in certain named counties in Miss., filed 12:14 p. m.

South Carolina Order 3-F, Amendment 15, covering fresh fruits and vegetables in certain areas in South Carolina, filed 12:17 p. m.

South Carolina Rev. Order 1-F, Amendment 11, covering fresh fruits and vegetables in 7 miles of State House in Columbia, S. C., filed 12:18 p. m.

South Carolina Rev. Order 2-F, Amendment 11, covering fresh fruits and vegetables in certain areas in S. C., filed 12:18 p. m.

Savannah Order 3-F, Amendment 33, covering fresh fruits and vegetables in certain counties in Ga., filed 12:17 p. m.

Savannah Order 4-F, Amendment 32, covering fresh fruits and vegetables in certain counties in Ga., filed 12:17 p. m.

Savannah Order 5-F, Amendment 13, covering fresh fruits and vegetables in certain counties in Ga., filed 12:17 p. m.

REGION V

St. Louis Order G-17, Amendment 1, covering poultry in City of St. Louis and County of St. Louis, Missouri, filed 9:57 a. m.

St. Louis Order G–17, Amendment 2, covering prices for certain food items in City of St. Louis and Co., of St. Louis, Mo., filed 9:56 a. m.

St. Louis Order G–18, Amendment 1, covering community food prices in All St. Louis District Office Territory except St. Louis., filed 9:58 a. m.

St. Louis Order G–18, Amendment 2, covering community food prices in area named above, filed 9:56 a. m.

St. Louis Order G–19, Amendment 1, covering community food prices in St. Louis, Mo., filed 9:58 a. m.

St. Louis Order G–19, Amendment 2, covering community food prices in St. Louis, Mo., filed 9:56 a. m.

St. Louis Order G–20, Amendment 1, covering community food prices in All Territory in St. Louis District Office Except City of St. Louis and County of St. Louis, Mo., filed 9:58 a. m.

St. Louis Order G–20, Amendment 2, covering community food prices in area named above, filed 9:55 a. m.

Tulsa Order 6–F, Amendment 8, covering fresh fruits and vegetables in certain areas in Oklahoma, filed 12:16 p. m.

Wichita Order G–19, Amendment 1, covering dry grocery and certain perishables in certain named counties in Kansas, filed 12:16 p. m.

Wichita Order G–23 under Rev. GO 51, Amendment 1, covering dry groceries and certain perishables in certain counties in Kansas, filed 12:17 p .m.

REGION VI

Chicago Order 8, covering dry groceries and certain perishables in certain areas in Illinois and Indiana, filed 12:14 p. m.

Chicago Order 9, covering certain poultry items in the Chicago Metropolitan Area, filed 12:14 p. m.

Green Bay Order 9, Amendment 3, covering community food prices in certain areas in Wisconsin and Michigan, filed 10:00 a. m.

Green Bay Order 12, Amendment 3, covering community food prices in certain areas in Mich. and Wis., filed 10:01 a. m.

La Crosse Order 1–F, amendment 20, covering fresh fruits and vegetables in La Crosse, Wis., and Wenona, Minn., filed 9:58 a. m.

La Crosse Order 3–F, Amendment 16, covering fresh fruits and vegetables in Eau Claire & Chippewa Falls, Wis., filed 10:00 a. m.

La Crosse Order 4–F, Amendment 16, covering fresh fruits and vegetables in City of Sparta, Wis., filed 9:59 a. m.

La Crosse Order 5–F, Amendment 16, covering fresh fruits and vegetables in City of Rochester, Minn., filed 10:00 a. m.

Sioux City Order 15, Amendment 1, covering community food prices in certain counties in Nebr., filed 9:42 a. m.

Springfield Order 5–F, Amendment 1, covering fresh fruits and vegetables in Springfield, Illinois, District, filed 9:42 a. m.

REGION VIII

Fresno Order 1–F, Amendment 22, covering fresh fruits and vegetables in City of Fresno and Co. of Fresno, Calif., filed 9:42 a. m.

Fresno Order 2–F, Amendment 9, covering fresh fruits and vegetables in Modesto and Stanislaus, Calif., filed 9:41 a. m.

Fresno Order 3–F, Amendment 5, covering fresh fruits and vegetables in certain cities and counties in Calif., filed 9:41 a. m.

Fresno Order 3–F, Amendment 6, covering fresh fruits and vegetables in certain areas in Calif., filed 9:41 a. m.

Fresno Order 4, Amendment 1, covering community food prices in certain areas in Calif., filed 12:15 p. m.

Portland Order 1–F, Amendment 21, covering fresh fruits and vegetables in certain counties in Oreg., filed 12:15 p. m.

Phoenix Rev. Order 5, covering community food prices in any area in Ariz., filed 9:42 a. m.

San Francisco Order 1–F, Amendment 19; it covers fresh fruits and vegetables in certain areas in Calif., filed 9:41 a. m.

San Francisco Order 2–F, Amendment 12, covering fresh fruits and vegetables in San Jose, Santa Clara, Mayfair, Berryessa and Burbank, filed 9:41 a. m.

San Francisco Order 3–F, Amendment 11, covering fresh fruits and vegetables in certain counties in Calif., filed 9:40 a. m.

San Francsico Order 4–F, Amendment 10, covering fresh fruits and vegetables in certain counties in Calif., filed 9:40 a. m.

San Francisco Order 5–F, Amendment 9, covering fresh fruits and vegetables in certain areas in Calif., filed 9:40 a. m.

San Francisco Order 6–F, Amendment 5, covering fresh fruits and vegetables in certain areas in Calif., filed 9:39 a. m.

Seattle Order 25, Correction to Amendment 4, covering community food prices in specified areas in Western Wash., filed 2.15 p. m.

Seattle Order 26, Correction to Amendment 3, covering community food prices in specified areas in central Washington, filed 12:14 p. m.

Seattle Adopting Order 20, covering retail community food prices in the Seattle Area, filed 9:39 a. m.

Seattle Adopting Order 22, covering retail community food prices in the Everett Area, filed 9:39 a. m.

Seattle Adopting Order 21, covering retail community food prices in the Tacoma Area, filed 9:39 a. m.

Seattle Adopting Order 23, covering retail community food prices in the Bremerton Area, filed 9:38 a. m.

Seattle Adopting Order 24, covering retail community food prices in the Bellingham Area, filed 9:38 a. m.

Seattle Adopting Order 25, covering retail community food prices in the Olympia Area, filed 9:38 a. m.

Seattle Adopting Order 26, covering retail community food prices in the Aberdeen-Hoquiam Area, filed 9:38 a. m.

Seattle Adopting Order 27, covering retail community food prices in the Centralia-Chehalis Area, filed 10:02 a. m.

Seattle Adopting Order 28, covering retail community food prices in the Wenatchee Area, filed 10:01 a. m.

Seattle Adopting Order 29, covering retail community food prices in the Yakima Area, filed 10:01 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–9530; Filed, June 29, 1944; 11:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1–1894]

NEW RIVER COMPANY

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of June, A. D. 1944.

The Boston Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule I-12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, $100 Par Value, and the 6% Cumulative Preferred Stock, $100 Par Value of The New River Company;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on July 6, 1944.

By the Commission.

[SEAL] ORVAL DUBOIS,
Secretary.

[F. R. Doc. 44–9473; Filed, June 28, 1944; 2:31 p. m.]

WAR FOOD ADMINISTRATION.

Office of Distribution.

PHILADELPHIA, PA., MARKETING AREA

HANDLING OF MILK

Notice of report and opportunity to file written exceptions with respect to a proposed marketing agreement and to a proposed amended order, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

Pursuant to § 990.12 (a) of the rules of practice and procedure (7 CFR Cum. Supp., 900.1–900.17; 7 F.R. 3350; 8 F.R. 2615), Office of Distribution, War Food Administration, notice is hereby given of the filing with the hearing clerk of this report of the Director of Distribution with respect to a marketing agreement and to an amended order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

Interested parties may file exceptions to the report with the Hearing Clerk, Room 1331, Department of Agriculture, Washington, D. C., not later than the close of business on the 8th day after publication of this notice in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The proceedings were initiated by the Office of Distribution upon receipt of a petition from the Inter-State Milk Producers Cooperative, Inc., for a public hearing to receive evidence on several amendments they proposed. Other amendments were also proposed by handlers. Following this request, and after consideration of the proposals, notice of the hearing was issued on January 13, 1943, and the hearings were held on January 23, 24, and 25, 1943, at Philadelphia, Pennsylvania.

Upon the record of this hearing the order was revised by increasing the Class I price. Action upon the other proposals was deferred until after further hearing.

In August 1943, the Inter-State Milk Producers Cooperative petitioned the War Food Administrator for a public hearing to receive evidence on the need for higher producer prices in the Philadelphia market. Later they submitted additional proposed amendments. Other amendments were proposed by handlers. Following these requests, and after consideration of the proposals, notice of hearing was issued on September 15, 1943, and the hearings were held on September

23 and 24, and October 5, 1943, at Philadelphia, Pennsylvania.

This hearing included, in addition to the industry proposals, consideration of several proposals for amendment made by the Dairy and Poultry Branch, Office of Distribution, upon some of which evidence had been received at the hearings held on January 23, 24, and 25, 1943, but upon which action was deferred until after further hearing.

On March 29, 1944, the hearing on these same issues was reopened at the instigation of the Dairy and Poultry Branch, Office of Distribution. The testimony at this hearing, March 29 and 30, 1944, brought up to date the facts relative to the issues on which action had been postponed.

The major issues developed at these hearings were concerned with (1) revision of the definition of handler and the definition of producer to conform to the needs of the market in relation to supplies, (2) the allocation to each class of milk transferred from one handler to another, (3) revision of the class prices, (4) price differentials for place of receipt of milk allowed handlers in purchasing milk from producers and used by them in distributing payments to producers, (5) the method of pricing Class I sales outside the marketing area, (6) the classification of milk received from sources other than producers, (7) flat price payments, (8) butterfat differentials used in paying producers, (9) premiums for Grade A milk, (10) the classification and pricing of so-called "distress" milk, (11) the basis of assessing handlers for the cost of administering the order, and (12) the substitution of a definition of "War Food Administrator" for the term "Secretary."

With respect to these issues it is concluded that:

(1) The definition of "producer" should be revised to describe more accurately the regular supplier of the fluid market. During the short period of production in the Philadelphia market for the past 2 years, handlers have purchased large quantities of milk from sources other than "producers" in order to supply the fluid requirements of the market. It has been necessary to purchase this extra milk for less than a full delivery period if the handler did not wish to extend his regular producer supply to include a so-called emergency source. As long as these supplies are of an emergency nature there appears to be no necessity for bringing them under the producer definition, nor is there any need for restricting such purchases beyond the protection afforded producers in the allocation of the Class II milk so that producers carry not more than 10 percent if a handler is purchasing emergency milk. The plant list has been amplified by adding to the listed producer milk plants those plants which supplied the market on more than 20 days during each of the delivery periods, October, November, and December, 1943. The confusion arising from the differentiation between "plants at which milk is received from producers" and "plants at which milk is not received from producers" should be removed by adding definitions of "producer milk plant" and "nonproducer milk plant."

(2) The maximum quantity of producers' milk transferred from one handler to another that may be allocated to Class II should be the total quantity of milk used by the purchasing handler in such class during the delivery period. This amendment would permit a handler who purchases milk through country plants to purchase surplus milk already in other handlers' city plants and keep his own Class II milk in the country plant. He would designate the milk purchased from other handlers as Class II although he may have used it as Class I in his city plant. This provision will maintain the same utilization of all producers' milk and will encourage savings in transportation of milk.

(3) No change should be made in the Class I price in view of the fact that the price program announced by the Director of Economic Stabilization in March 1943 restricts the adjustment of class prices to reflect changes in costs of producing milk. The dairy production program which is not inconsistent with the stabilization program provides for a direct subsidy payment to producers to cover the increased cost of producing milk. Rates of payment have been announced by the War Food Administrator for the period through March 1945.

The Class II price should be revised in order to bring the skim value of that class in line with the market value of skim milk which has increased materially due to the demand for skim milk solids for food. The increase should be accomplished by eliminating the animal feed factor from the skim milk powder price used in the price formula. The objection to eliminating the animal feed factor from the skim milk value in the Philadelphia area while the New York market still retains the factor, has been considered. This objection hardly seems substantial enough to set aside the proposed adjustment in the price which handlers pay for skim milk used in those products which they carry as a part of their milk trade and ice cream business.

Class II skim at this proposed price will cost handlers less than skim milk solids in the form of condensed or powdered skim which handlers purchase at times to supplement skim milk in the manufacture of cottage cheese and ice cream.

The testimony relative to costs of handling Class II milk indicates that costs are not greater than the present formula allowance of 21½ cents in the Class II butterfat value plus 33¾ cents in the skim milk formula. It is not necessary then to enhance the allowance by the use of a price which reflects less than the market value of the milk.

In order to avoid any disruption of the market for Class II milk while the New York pricing lags in adjustment, it is proposed that milk which is used in surplus milk manufacturing plants should take a lower price based on the prices paid by two evaporating plants and one milk chocolate manufacturer with plants in the Philadelphia milkshed. The products on which the lower price should be permitted during 6 months of the year are evaporated milk, milk chocolate, milk powder, nonfat dry milk solids, and cheese other than cottage cheese. This provision is recommended to provide for the sale of what is termed "distress milk" in the Philadelphia area. The seasonal provision should discourage the inclusion of manufacturing plants in a handler's pool on a year-round basis, but it is made broad enough to take care of the usual surplus milk period whether it comes late or early.

(4) Provisions governing zone price differentials allowed handlers should be rewritten in order to show more clearly how the allowances by classes of milk are combined to form the zone differentials affecting the cost of milk at various plants. The present order provides for certain differentials which apply to Class I milk, others which apply to Class II milk, and still others which apply to all milk regardless of use. The record shows that the price differentials for place of receipt of milk should be definitely related to the class in which the milk is used, in order to accomplish the goal of equal costs to each handler for each use of milk.

The Class I differential rates in the nearby area should be increased slightly to adjust for the fact that there would be no Class II deduction allowed. The present rates were established on the basis of the economic advantage to the producer in delivering 100 pounds of milk at one place or another. However, as the record indicates, this economic advantage is also related to the purchasing handler's precentage of total use in Class I. Therefore, the factors determining whether a producer will deliver to one place or another are both the cost of delivering the milk to each plant and the blend price at each plant. The blend price reflects the handler's percentage of use in Class I. The Class I differentials which would reflect the cost of handling all milk have been established according to the average utilization of Class I and Class II in the area. This method would permit the handler in the nearby area who has a higher than average use of Class I milk to buy his milk at slightly less than he is now paying. Producers should not object to this since a 10 percent above average use of Class I would be needed to permit a handler to deduct an additional cent per 100 pounds more than he is now deducting, and at present prices the 10 percent higher use would result in a price 8 cents above the average.

The characteristics of handlers' plants were discussed fully in the record and this testimony confirms the soundness of the use of the plant location as the best method of establishing differentials which affect the price of milk at different places of receipt.

Since the plant handling allowance for receiving milk and separating cream exceeds the Class I allowance by 2½ cents per hundredweight, the 3-cent extra handling allowance does not appear to be necessary for the handling of Class II milk in the country. It was proposed that the extra 3 cents be dropped from the country handling allowance on all milk but conclusive evidence that the factor should be dropped was not developed.

A proposed amendment to the order would have reestablished the rule for

applying class price zone differentials on the basis that milk nearest the marketing area is Class I. The evidence in the record does not justify the adoption of such an amendment. Since the pattern of the Philadelphia market is such that nearby milk is not considered by handlers to be more valuable for Class I sales (excluding handling and transportation costs), no particular group of producers can be designated as more entitled to the Class I market than another group. Each group then is entitled to an equal share of the Class I utilization and must bear an equal share of the Class II utilization and the cost of getting their Class I milk and Class II cream to the market. The proposed amendments would reflect to the producers the value of their milk as handlers pay for it. This recommended change in the application of differential payments would make more explicit their effect upon producers' prices. It would do away with the device in the present order which has operated to enhance the price at country stations at the expense of the price at the city.

(5) The out-of-area price structure should be retained. Due to the rigidity of prices under the stabilization program, it is not considered advisable to drop the out-of-area price structure at this time.

(6) A handler should be permitted to allocate milk received from sources other than producers to Class I if he does not have in his producer plant system more than 10 percent of producers' milk used in Class II. If producers are not supplying the market, it does not appear to be reasonable to require nonproducer milk to carry all of the reserve for Class I use which falls into Class II. On the other hand, producers who regularly supply the market should be protected from the influence of these irregular supplies on their blend price. The 10 percent reserve represents the amount of Class II carried in relation to all Class I during the short months of 1942.

(7) The flat price payment plan should be removed from the order since it was not used by handlers to avoid keeping records of utilization as the authors of the order intended and it might be used now to circumvent the order by paying a lower price than would otherwise be required.

(8) The butterfat differential to be used in paying producers should be increased from 4 to 5 cents per point in order to bring it more in line with the increases in the price paid to producers for milk and the increased cost of butterfat to handlers. The average minimum price paid to producers has increased steadily since April 1942. The butterfat differential paid by handlers has risen during the same period from 4½ cents to as much as 7 cents.

(9) The plan for Grade A premiums should not be changed upon the evidence in the record at this time. There are indications in the record that a uniform method of distributing these payments to producers should be prescribed by the order but the information regarding the various payment plans which now are in operation is not sufficiently complete to form the basis for establishing a uniform system.

(10) The disposition of milk which is in excess of the fluid needs of the market should be expedited by the removal of the rule which limits the outlet for such milk to plants which have disposed of less than 20 percent of their receipts as fluid milk. The provision should be amended to require that the purchasing plant show that a quantity of milk has been manufactured which is equal to the quantity received from the producer milk plant. The "20 percent rule" was not intended to limit the outlets for surplus milk. It was considered a "rule of thumb" to characterize a plant that would be buying milk for use in manufacturing. The rule appears to be more confining than is necessary under present circumstances.

(11) The basis of assessment should be all milk received from producers at producer milk plants and all milk received from nonproducer milk plants which is allocated to Class I utilization. This will apportion the cost of administering the order more equitably over all handlers since some handlers purchase substantial quantities of nonproducer milk to supplement their supplies from producers.

(12) A definition of "War Food Administrator" should be substituted for "Secretary" since the powers and duties of the Secretary with respect to functions required by the Agricultural Marketing Agreement Act of 1937 have been transferred to the War Food Administrator by Executive Orders of the President of the United States. The definition provides for the continued operation of the order under the authority of some other "officer or employee of the United States Department of Agriculture" in the event that the powers and duties pursuant to the act are again transferred.

(13) The duty of the market administrator with respect to making investigations of marketing problems should be cited in the order. Producers and handlers indicated in the record that certain problems required thorough study.

The following proposed amended order is recommended as the detailed means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because the proposed amendments applicable to it would be the same as those set forth below with respect to the amended order.

PROPOSED AMENDED ORDER REGULATING THE HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

It is found upon the evidence introduced at the public hearing held on January 23, 24, and 25, September 23 and 24, and October 5, 1943, and March 29 and 30, 1944, Philadelphia, Pennsylvania:

1. That the order, as hereby amended, will regulate the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement upon which a hearing has been held; and

2. That the issuance of this amended order and all the terms and conditions of the amended order tend to effectuate the declared policy of the act.

Provisions

SECTION 1. *Definitions.* (a) *Terms.* The following terms shall have the following meanings:

(1) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) The term "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers or to perform the duties of the War Food Administrator hereunder.

(3) The term "Philadelphia, Pennsylvania, milk marketing area," hereinafter called "the marketing area," means all the territory in the Commonwealth of Pennsylvania situated within the following boundary line:

Beginning at a point in the Pennsylvania State line opposite the confluence of Pennypack Creek with the Delaware River; thence along Pennypack Creek to the boundary of Montgomery County; thence northerly along the boundary of Montgomery County to the Bucks County line; thence westerly along the Bucks County line to the Trenton cut-off of the Pennsylvania Railroad; thence westerly along said railroad to the upper Dublin Township line; thence first easterly, and then southerly, along the Upper Dublin Township line; then northeasterly to the Whitemarsh Township line; thence southerly along the Whitemarsh Township line to the Schuylkill River; thence westerly along the Schuylkill River to West Conshohocken Borough; thence westerly along the southern border of West Conshohocken Borough to the Upper Merion Township line; thence along the Upper Merion Township line as it runs to the Delaware County line; thence southeasterly along the Delaware County line as it runs to and along Brandywine Creek and the Delaware State line to the Delaware River; thence northeasterly along the Pennsylvania State line to the Delaware River to the point of beginning.

(4) The term "person" includes any individual, partnership, corporation, association, or any other business unit.

(5) The term "producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly at a producer milk plant.

(6) The term "producer milk plant" means:

(i) A plant which is operated by a handler at a location listed below, or any other plant from which milk was shipped during the delivery periods of October, November, and December, 1943, on 20 days or more in each delivery period to a pasteurizing or bottling plant which disposed of Class I milk in the marketing area, except (*a*) during such period of time as any such plant has been stopped by the Pennsylvania Department of Health from shipping milk or cream for consumption as fluid milk or fluid cream, or (*b*) during any month when no milk or cream is disposed of in the marketing

area from such a plant, if the handler has notified the market administrator 5 days or more prior to such month that it is no longer a part of his supply for the marketing area and if no milk or cream has been shipped from it to the marketing area for the 3 months next preceding such month; or

(ii) A pasteurizing and bottling plant from which milk is disposed of as Class I milk in the marketing area; or

(iii) Any other plant of a handler from which milk is supplied to such a pasteurizing and bottling plant: *Provided*, That shipments of milk have been made from the plant to the pasteurizing and bottling plant on more than 20 days during each of the three previous delivery periods: *And provided*, That the handler operating such plant has filed a statement with the market administrator declaring that the milk at such plant is a regular supply for the Philadelphia market and farmers delivering such milk should be considered producers. A plant determined in this manner to be a producer milk plant shall thenceforth be affected by and subject to all regulations affecting producer milk plants as described under (i) of this paragraph.

Location. Bedford, Pa., Boiling Springs, Pa., Brandtsville, Pa., Byers, Pa., Carlisle, Pa., Chambersburg, Pa., Clayton, Del., Coudersport, Pa., Curryville, Pa., Delta, Pa., Denton, Md., Easton, Md., Fairdale, Pa., Glenroy, Pa., Goldsboro, Md., Goshen, Pa., Hagerstown, Md., Harrington, Del., Honeybrook, Pa., Huntington, Pa., Hurlock, Md., Kelton, Pa., Kimberton, Pa., Leaman Place, Pa., Lewistown, Pa., Mainland, Pa., Massey, Md., Mercersburg, Pa., Millville, Pa., Mt. Pleasant, Del., Nassau, Del., New Holland, Pa., Oxford, Pa., Port Allegany, Pa., Pottstown, Pa., Princess Anne, Md., Quakertown, Pa., Richlandtown, Pa., Snow Hill, Md., Spring Creek, Pa., Sudlersville, Md., Townsend, Del., Waynesboro, Pa., Worton, Md.

This definition shall not be deemed to include a plant at which milk is received directly from producers defined under an order of the Secretary regulating the handling of milk in the New York metropolitan milk marketing area.

(7) The term "nonproducer milk plant" means any plant other than those described under section 1 (a) (6).

(8) The term "handler" means any person irrespective of whether such person is also a producer or an association of producers, wherever located or operating, who engages in the handling of milk which is disposed of in the marketing area.

(9) The term "market administrator" means the person designated pursuant to section 2 as the agency for the administration hereof.

SEC. 2. *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the War Food Administrator. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the War Food Administrator.

(b) *Powers.* The market administrator shall have power:

(1) To administer the terms and provisions hereof, and

(2) To receive, investigate, and report to the War Food Administrator complaints of violations of the terms and provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and shall surrender the same to his successor or to such other person as the War Food Administrator may designate;

(2) Submit his books and records to examination by the War Food Administrator at any and all times;

(3) Furnish such information and verified reports as the War Food Administrator may request;

(4) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator;

(5) Publicly disclose to handlers and to producers, unless otherwise directed by the War Food Administrator, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to section 5 (a), or (ii) made payments pursuant to section 8;

(6) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(7) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(8) Pay, out of the funds provided by section 9, (i) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties; and

(9) Promptly verify the information contained in the reports submitted by handlers.

(10) At the request of the War Food Administrator, investigate supply, demand, organization, structure, and other economic aspects of the market and furnish information relative to proposals for amendments to the terms and provisions hereof.

SEC. 3. *Classification of milk*—(a) *Basis of classification.* Milk received by each handler, including milk produced by him, if any, shall be classified, in the classes set forth in paragraph (b) of this section, in accordance with its utilization by such handler, subject to paragraphs (c), (d), and (e) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk (i) sold, distributed, or disposed of as or in milk, including sales of skim milk and flavored milk drinks, containing not more than 18 percent butterfat and including all milk or skim milk disposed of from a handler's plant to retail establishments which dispose of milk for both fluid and other uses, and (ii) all other milk not accounted for as Class II.

(2) Class II milk shall be (i) all milk disposed of in products other than those included in section 3 (b) (1) (i), and (ii) all milk accounted for as actual plant shrinkage but not to exceed 2 percent of the milk received from producers: *Provided*, That if milk or cream is received from producers, from other handlers, or from other plants, such actual shrinkage shall be prorated between the milk received from each source in proportion to the volume of milk and cream received from each.

(c) *Transfers of milk.* Milk or skim milk transferred to another handler or to a nonproducer milk plant shall be Class I unless such milk was disposed of for use in Class II products and the receiving handler or nonproducer plant has used in such products a quantity of milk or skim milk equivalent to the milk or skim milk received during the month from producer milk plants under an agreement for use in Class II products.

(d) *Transfers of cream.* Cream received or disposed of by a handler shall be considered Class II, and the pounds of butterfat in cream received during the month shall be allocated to the butterfat used to make butter before any butterfat in milk received is allocated to butterfat used to make butter.

(e) *Allocation of milk or skim milk received at producer milk plants from nonproducer milk plants.*

(i) The Class I utilization of a handler may be reduced by the amount of milk or skim milk received from nonproducer milk plants: *Provided*, That the utilization of all producers' milk in all of the handlers producer milk plants during the month is not less than 90 percent Class I.

(ii) The Class II utilization of a handler in butter, evaporated milk, milk powder, nonfat dry milk solids, milk chocolate, and cheese other than cottage cheese, shall be reduced by the amount of milk or skim milk received from nonproducer milk plants during the month, which milk or skim milk has not been allocated to Class I utilization under section 3 (e) (i).

SEC. 4. *Minimum prices*—(a) *Class prices.* Except as set forth in subparagraph (e) of this section, each handler shall pay, at the time and in the manner set forth in § 961.8, for milk received during each month from producers or an association of producers not less than the following prices, subject to the differentials set forth in paragraphs (c) and (d) of this section:

(1) *Class I milk.* $4.05 per hundredweight.

(2) *Class II milk.* The price per hundredweight during each month shall be the sum of the respective values of butterfat and skim milk, calculated as follows by the market administrator:

(i) *Butterfat.* Add all market quotations (using midpoint of any weekly range as one quotation) of prices for a 40-quart can of sweet cream approved either for Pennsylvania only, or for Pennsylvania, Newark, and Lower Merion Township, in the Philadelphia, Pennsylvania, market, reported for each week ending within the month by the United States Department of Agriculture (or such other Federal agency as is au-

thorized to perform this price reporting function), divide by the number of quotations, subtract 28 cents, divide by 33.48, multiply by 4, and subtract 23½ cents: *Provided*, That for butterfat used to make butter, the price shall be 4.8 times the average of the 92-score butter at wholesale in the New York market, reported daily by the United States Department of Agriculture (or such other Federal agency as is authorized to perform this price reporting function), for the month for which payment is to be made, which shall be known as the "butter-value" for such butterfat.

(ii) *Skim milk.* Any plus amount which is equal to 7.5 times the average of all hot roller process nonfat dry milk solids quotations for "other brands, human consumption," carlots, bags, or barrels (using midpoint of any range as one quotation), as published for such month in the "Producers' price Current," less 4.5 cents: *Provided*, That for skim milk in milk or skim milk used to make evaporated milk, milk chocolate, milk powder, nonfat dry milk solids, and cheese, other than cottage, pot, and baker's cheese, during the months of March, April, May, June, July, and August the skim milk value shall be reduced by any plus amount determined as follows:

(a) Adjust the Class II price otherwise applicable under this paragraph by the butterfat differential determined under section 4 (c) to arrive at a price for milk of 3.5 percent butterfat content, and

(b) Subtract from that price the average of the basic prices paid to farmers for milk of 3.5 percent butterfat f. o. b. the following plants:

Pet Milk Company, Greensboro, Md.
Hershey Chocolate Company, Hershey, Pa.
Carnation Company, Cambridge Springs, Pa.

(b) *Emergency price provision.* Whenever the provisions hereof require the market administrator to use specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable *maximum* uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the price specified.

(c) *Butterfat differential.* The Class I and Class II prices shall be subject to a butterfat differential for each one-tenth of 1 percent variation above or below 4.0 percent calculated as follows: divide the average of the cream quotations used in calculating the Class II price by 334.8, and subtract 0.67 cent; or in the case of butterfat in Class II to which the "butter-value" is applicable, divide the "butter-value" by 40.

(d) *Differentials for place of receipt of milk.* The prices set forth in paragraph (a) of this section except Class II milk used to make evaporated milk, milk chocolate, milk powder, nonfat dry milk solids, and cheese, other than cottage cheese, during the months of March, April, May, June, July, and August, shall be reduced by the amounts set forth below for milk received from producers at producer milk plants located in the zones for which deductions are shown. If the deduction for Class I milk results in a price for Class I milk at any plant below the price of Class II milk at that plant, the allowable deduction shall be reduced by the amount by which such Class II price exceeds such Class I price:

Zone (miles)	Deduction	
	Class I milk	Class II milk
	Cents	*Cents*
0–11	0	0
11.1–16	9	0
16.1–21	11	0
21.1–26	13	0
26.1–31	15	0
31.1–40	34	4
40.1–50	35	4
50.1–60	36	4
60.1–70	37	4
70.1–80	38	5
80.1–90	39	5
90.1–100	40	5
100.1–110	41	5
110.1–120	42	5
120.1–130	43	5
130.1–140	44	5
140.1–150	45	6
150.1–160	46	6
160.1–170	47	6
170.1–180	48	6
180.1–190	49	6
190.1–200	50	6
200.1–210	51	6
210.1–220	52	7
220.1–230	53	7
230.1–240	54	7
240.1–250	55	7
250.1–260	56	7
260.1–270	57	7
270.1–280	58	7
280.1–290	59	8
290.1–300	60	8
300.1–310	61	8
310.1–320	62	8
320.1–330	63	8
330.1–340	64	8
340.1–350	65	8
350.1–360	66	9
360.1 and over	67	9

For the purpose of this paragraph, the Class II milk at each plant of a handler who receives milk from more than one plant shall be determined to be that milk used or disposed of in Class II at such plant which is not a bottling and pasteurizing plant, plus a prorata share of Class II milk at the handler's bottling and pasteurizing plant in proportion to the total receipts at the latter plant which were received from the producer milk plant.

The distance of any plant from the City Hall in Philadelphia shall be that recognized by the Interstate Commerce Commission for rate making purposes on highways over which the Highway Departments of the several States permit milk tank trucks to move, or if no such distance is recognized, the distance shall be that ascertained and announced by the market administrator.

(e) *Class I milk disposed of outside the marketing area.* The price to be paid by handlers for Class I milk disposed of outside the marketing area on any wholesale or retail routes from which no milk is disposed of in the marketing area on the same trip, in lieu of the price otherwise applicable pursuant to this section, shall be, as ascertained by the market administrator, such price as is being paid to farmers in the market where such milk was disposed of, for milk of equivalent use, less the applicable transportation allowance in such outside market, but in no case more than 64 cents: *Provided*, That Class I milk disposed of in markets where the market administrator is unable to determine such a price, and to Government institutions and establishments on a basis of bids, the Class I price plus or minus the applicable differentials specified in this order shall apply: *And provided further*, That when sold in an area regulated by another marketing order of the Secretary the price effective under such order shall apply.

SEC. 5. *Reports of handlers*—(a) *Periodic reports.* On or before the 8th day after the end of each month each handler, with respect to milk or cream which was, during such month, (1) received from producers, handlers, or other sources; and (2) produced by such handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(i) The receipts at each plant from producers who are not handlers;

(ii) The receipts at each plant from any other handler, including any handler who is also a producer;

(iii) The quantity, if any, produced by such handler;

(iv) The receipts at each plant from any other source;

(v) The respective quantities of milk and milk products disposed of or on hand, with the butterfat content thereof, including the quantities of milk, skim milk, or cream disposed of to each nonproducer milk plant for use in each class; and

(vi) The shipments of milk to the marketing area from each plant.

(b) *Reports of handlers who receive no milk from producers.* Handlers who receive no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(c) *Reports as to producers.* Each handler shall report to the market administrator:

(1) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name and address, (ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received; and

(2) As soon as possible after first receiving milk from any producer, (i) the name and address of such producer, (ii) the date upon which such milk was first received, and (iii) the plant at which such milk was received.

(d) *Reports of payments to producers.* Each handler shall submit to the market administrator on or before the 25th day after the end of each month his producer pay roll for such month which shall show for each producer (1) the net amount of such producer's payment with the prices, deductions, and charges involved, and (2) the total delivery of milk with the average butterfat test thereof.

(e) *Outside cream purchases.* Each handler shall report as requested by the market administrator his purchases, if any, of sweet cream showing the quantity and source of each such purchase and the cost thereof at Philadelphia.

(f) *Verification of reports.* Each handler shall permit the market administrator or his agent, or such other person as the Secretary may designate, during the usual hours of business, to (1) verify the information contained in reports submitted in accordance with this section, and (2) weigh milk received from each producer and sample and test milk for butterfat. In establishing the classification of milk as required in § 961.3, the burden rests upon the handler who receives milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

SEC. 6. *Application of provisions*—(a) *Handlers who receive no milk from producers.* The provisions hereof, except those set forth in section 5, shall not apply to a producer-handler who receives no milk from producers nor to a handler whose sole source of milk supply consists of receipts from other handlers.

SEC. 7. *Determination of uniform prices to producers*—(a) *Computation of the value of milk for each handler.* For each month the market administrator shall compute, subject to the provisions of section 6, the value of milk of producers disposed of by each handler, by (1) multiplying the hundredweight of such milk in each class, computed pursuant to section 3, by the prices applicable pursuant to section 4, plus or minus the applicable differentials in section 4; and (2) adding together the resulting values.

(b) *Computation and announcement of uniform price for each handler.* The market administrator shall compute and announce for each handler the uniform price per hundredweight of milk received by him at each plant from producers during each month as follows:

(1) Add to the value computed pursuant to paragraph (a) of this section the amount of the adjustment to be made pursuant to section 8 (d), and add or subtract the amount to be subtracted or added, respectively, by the handler pursuant to section 8 (c)

(2) Divide the amount computed in subparagraph (1) of this paragraph by the total quantity of milk received from producers, including milk of his own production; and

(3) On or before the 15th day after the end of each month, notify each handler and publicly announce the uniform price computed for each handler pursuant to this section with the differentials applicable pursuant to section 8.

SEC. 8. *Payments for milk*—(a) (1) *Semimonthly payments.* On or before the last day of each month each handler shall make payment to producers for milk delivered during the first 15 days of such month at not less than a rate per hundredweight which he estimates will be his uniform price for such month.

(2) *Final payment.* On or before the 20th day after the end of each month, each handler shall make full payment, subject to paragraphs (c), (d), and (e) of this section, to each producer, for the total value of milk received from such producer during such month, at not less than the uniform price per hundredweight computed for such handler pursuant to section 7, after taking credit for payment made pursuant to section 8 (a) (1).

(b) *Errors in payment.* Errors in making payments for milk shall be corrected not later than the date for making payments next following the determination of such errors.

(c) *Butterfat differential.* If any handler has received from any producer, during the month, milk having an average butterfat content other than 4.0 percent, such handler, in making payments pursuant to paragraph (a) of this section, shall add to the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk above 4.0 percent not less than, or shall deduct from the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk below 4.0 percent not more than 5 cents per hundredweight.

(d) *Location differentials.* In making payments pursuant to paragraph (a) of this section each handler shall deduct from payments to producers delivering milk to a plant located in a mileage zone as set forth in section 4 (d) a differential equal to the percentage of the pounds of all milk received from producers which was used in Class I times the Class I differential rate pursuant to section 4 (d) at such plant plus the percentage of Class II at the Class II rate pursuant to section 4 (d).

(e) *Premium for Grade A milk.* In addition to the uniform price and all other payments required pursuant to this section, each handler shall pay for milk, which is qualified under the Commonwealth of Pennsylvania Department of Health or the New Jersey Department of Health requirements for sale as Grade A milk and which is delivered to a plant similarly qualified (so long as such requirements are in effect as a separate grade), 40 cents per hundredweight of Grade A milk received from producers of 10,000 bacteria or less per c. c. and 25 cents per hundredweight of Grade A milk received from producers of more than 10,000 but less than 25,000 bacteria, times the ratio of Grade A milk sold either in fluid form or as products manufactured from Grade A milk to the total quantity of Grade A milk received from producers, plus 2 cents for each one-tenth of 1 percent that the butterfat content is above 3.7 percent.

SEC. 9. *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler receiving milk from producers, on or before the 20th day after the end of each month shall pay to the market administrator, with respect to all milk received by such handler directly from producers, and all milk received from nonproducer milk plants which is allocated to Class I under section 3 (e), an amount not exceeding 2 cents per hundredweight, the exact amount to be determined by the market administrator subject to review by the War Food Administrator. Each handler who is a cooperative association of producers, sall pay such pro rata share of expense only on that milk received from producers at any plant of such association.

SEC. 10. *Agents.* The War Food Administrator may, by designation in writing, name any officer or employee of the United States or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

This report filed at Washington, D. C., this 28th day of June 1944.

C. W. KITCHEN,
Acting Director of Distribution.

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